LAWS = NEW JERSEY
1993

New Jersey State Library

ACTS

OF THE

Second Annual Session

OF THE

Two Hundred and Fifth Legislature

OF THE

STATE OF NEW JERSEY

AND

Thirty-Fifth Under the New Constitution

1993

New Jersey State Library

The following laws, enacted by the Second Annual Session of the Two Hundred and Fifth Legislature, and an index of the laws are published in accordance with R.S.1:3-1 et seq.

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of the
SECOND ANNUAL SESSION
of the
Two Hundred and Fifth Legislature

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NINETEENTH DISTRICT
(Part of Middlesex)
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TWENTIETH DISTRICT
(Part of Union)
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(Sussex, parts of Hunterdon, Morris)
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TWENTY-FIFTH DISTRICT
(Part of Morris)
JOHN H. DORSEY

TWENTY-SIXTH DISTRICT
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ROBERT J. MARTIN[2]

TWENTY-SEVENTH DISTRICT
(Part of Essex)
RICHARD J. CODEY

TWENTY-EIGHTH DISTRICT
(Part of Essex)
RONALD L. RICE

TWENTY-NINTH DISTRICT
(Parts of Essex, Union)
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THIRTIETH DISTRICT
(Parts of Burlington, Monmouth, Ocean)
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ROBERT W. SINGER[4]

THIRTY-FIRST DISTRICT
(Part of Hudson)
EDWARD T. O'CONNOR, JR.

THIRTY-SECOND DISTRICT
(Parts of Bergen, Hudson)
THOMAS F. COWAN, SR.

THIRTY-THIRD DISTRICT
(Part of Hudson)
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(Part of Passaic)
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(Part of Bergen)
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THIRTY-EIGHTH DISTRICT
(Part of Bergen)
LOUIS F. KOSCO

THIRTY-NINTH DISTRICT
(Part of Bergen)
GERALD CARDINALE

FORTIETH DISTRICT
(Parts of Bergen, Passaic)
HENRY P. McNAMARA

[1] Resigned 7/7/93.
[2] Sworn in 8/16/93.
[3] Died 9/19/93.
[4] Sworn in 10/14/93.
[5] Sworn in 1/25/93.

MEMBERS OF THE GENERAL ASSEMBLY

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C. RICHARD KAMIN

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JOSEPH V. DORIA, JR.

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JOHN V. KELLY

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(Part of Bergen)
BYRON M. BAER
LORETTA WEINBERG

THIRTY-EIGHTH DISTRICT
(Part of Bergen)
ROSE MARIE HECK
PATRICK J. ROMA

THIRTY-NINTH DISTRICT
(Part of Bergen)
JOHN E. ROONEY
CHARLOTTE VANDERVALK

FORTIETH DISTRICT
(Parts of Bergen, Passaic)
NICHOLAS R. FELICE
DAVID C. RUSSO

1 Resigned 8/12/93.
2 Sworn in 9/13/93.
3 Resigned 10/13/93.
4 Sworn in 10/14/93.
5 Resigned 1/25/93.
6 Sworn in 2/1/93.

LAWS

ACTS

ENACTED BY THE

Second Annual Session

OF THE

Two Hundred and Fifth Legislature

CHAPTER 1

AN ACT concerning the provisional employment of certain employees in State facilities and amending P.L.1988, c.45.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. Section 2 of P.L.1988, c.45 (C.30:4-3.5) is amended to read as follows:

C.30:4-3.5 Criminal history record check.

2. a. A facility shall not employ any individual unless the Commissioner of the Department of Human Services has first determined, consistent with the requirements and standards of this act, that no criminal history record information exists on file in the Federal Bureau of Investigation, Identification Division, or in the State Bureau of Identification in the Division of State Police, which would disqualify that individual from being employed at the facility. An individual shall be disqualified from employment under this act if that individual's criminal history record check reveals a record of conviction of any of the following crimes and offenses:

(1) In New Jersey, any crime or disorderly persons offense:

(a) Involving danger to the person, meaning those crimes and disorderly persons offenses set forth in N.J.S.2C:11-1 et seq., N.J.S.2C:12-1 et seq., N.J.S.2C:13-1 et seq., N.J.S.2C:14-1 et seq. or N.J.S.2C:15-1 et seq.; or

(b) Against the family, children or incompetents, meaning those crimes and disorderly persons offenses set forth in N.J.S.2C:24-1 et seq.; or

(2) In any other state or jurisdiction, of conduct which, if committed in New Jersey, would constitute any of the crimes or disorderly persons offenses described in paragraph (1) of this subsection.

b. Notwithstanding the provisions of subsection a. of this section, no individual shall be disqualified from employment under this act on the basis of any conviction disclosed by a criminal history record check performed pursuant to this act if the individual has affirmatively demonstrated to the Commissioner of Human Services clear and convincing evidence of his rehabilitation. In determining whether an individual has affirmatively demonstrated rehabilitation, the following factors shall be considered:

(1) The nature and responsibility of the position which the convicted individual would hold;

(2) The nature and seriousness of the offense;

(3) The circumstances under which the offense occurred;

(4) The date of the offense;

(5) The age of the individual when the offense was committed;

(6) Whether the offense was an isolated or repeated incident;

(7) Any social conditions which may have contributed to the offense; and

(8) Any evidence of rehabilitation, including good conduct in prison or in the community, counseling or psychiatric treatment received, acquisition of additional academic or vocational schooling, successful participation in correctional work-release programs, or the recommendation of persons who have had the individual under their supervision.

c. If a prospective employee of a facility refuses to consent to, or cooperate in, the securing of a criminal history record background check, the commissioner shall direct the principal administrator not to consider the person for employment at the facility. The prospective employee shall, however, retain any available right of review by the Merit System Board in the Department of Personnel.

d. If a current employee of a facility refuses to consent to, or cooperate in, the securing of a criminal history record background check, the commissioner shall direct the principal administrator to immediately remove the person from his position at the facility and to terminate the person's employment at the facility. The employee shall, however, retain any available right of review by the Merit System Board in the Department of Personnel.

e. Notwithstanding the provisions of subsection a. of this section to the contrary, a facility may provisionally employ an individual for a period not to exceed six months if that individual's

State Bureau of Identification criminal history record background check does not contain any information that would disqualify the individual from employment at the facility and if the individual submits to the commissioner a sworn statement attesting that the individual has not been convicted of any crime or disorderly persons offense as described in this act, pending a determination that no criminal history record background information which would disqualify the individual exists on file in the Federal Bureau of Investigation, Identification Division. An individual who is provisionally employed pursuant to this subsection shall perform his duties at the facility under the direct supervision of a superior who acts in a supervisory capacity over that individual until the determination concerning the federal information is complete.

2. Section 4 of P.L.1988, c.45 (C.30:4-3.7) is amended to read as follows:

C.30:4-3.7 Written notice; hearing.

4. a. Upon receipt of an applicant or employee's criminal history record information from the Federal Bureau of Investigation or the Division of State Police, as applicable, the commissioner shall notify the applicant or employee, in writing, of the applicant's or employee's qualification or disqualification for employment under this act. If the applicant or employee is disqualified, the conviction or convictions which constitute the basis for the disqualification shall be identified in the written notice.

b. The applicant or employee shall have 30 days from the date of written notice of disqualification to petition the commissioner for a hearing on the accuracy of the criminal history record information or to establish his rehabilitation under subsection b. of section 2 of this act. The commissioner may refer any case arising hereunder to the Office of Administrative Law for administrative proceedings pursuant to P.L.1978, c.67 (C.52:14F-1 et al.).

c. The commissioner shall not maintain any individual's criminal history record information or evidence of rehabilitation submitted under this section for more than six months from the date of a final determination by the commissioner as to the individual's qualification or disqualification to be an employee pursuant to this act.

d. The Commissioner of Human Services shall initiate a criminal history record background check on all current employees no later than 120 days after the effective date of this act.

3. This act shall take effect immediately.

Approved January 12, 1993.

CHAPTER 2

AN ACT concerning the finances, financial planning, and management performance of the New Jersey Public Broadcasting Authority and making an appropriation.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. As used in this act:

"Authority" means the New Jersey Public Broadcasting Authority established by section 4 of P.L.1968, c.405 (C.48:23-4); and

"Executive Director" means the executive director of the authority.

2. The executive director shall prepare a three-year financial plan that demonstrates the ways in which the authority will reduce its dependence on annual State appropriations. The plan shall include, but not be limited to, proposals for increasing the cost-effectiveness of resource allocation, and marketing techniques, to be implemented, that would raise funds from non-State sources.

The executive director shall submit the completed plan to the Commissioner of Commerce, Energy and Economic Development, the State Treasurer and the Joint Budget Oversight Committee, or its successor, for approval. In the case of disapproval, the disapproving entity or person, as the case may be, shall return the plan to the executive director with an explanation of the reasons for disapproval. The executive director shall have thirty days from the date of receipt of a disapproved plan to revise and resubmit the plan to the disapproving entity or person.

3. a. In addition to such other responsibilities as are prescribed by law, the State Auditor shall conduct a performance audit of the authority. The purposes of the performance audit shall be:

(1) to ascertain the purposes and goals of the authority, statutory or otherwise;

(2) to determine the manner in which authority personnel, real and personal property, and financial resources are allocated to and managed for the realization of the authority's purposes and the attainment of its goals; and

(3) to suggest ways in which such allocation and management might be improved.

b. The State Auditor shall begin the performance audit required by this section at the earliest practicable date. The executive director and other officers and employees of the authority shall provide any records, interview time, and technical or other assistance required by the State Auditor.

c. The results of the performance audit performed pursuant to this section shall be reported in the same manner as post-audits are reported pursuant to R.S.52:24-4, and copies of the report shall also be provided to the Joint Budget Oversight Committee, or its successor.

d. The executive director may respond, in writing, to the findings of the performance audit prepared pursuant to this section, and such response shall be appended to the report provided by the State Auditor pursuant to subsection c. of this section.

4. There is appropriated, to the authority from the General Fund, the sum of $3,500,000.

5. This act shall take effect immediately, but section 4 shall remain inoperative until the approval of the authority's financial plan pursuant to section 2 of this act.

Approved January 13, 1993.

CHAPTER 3

AN ACT to amend and supplement "An Act making appropriations for the support of the State Government and the several public purposes for the fiscal year ending June 30, 1993 and regulating the disbursement thereof," passed June 30, 1992 (P.L.1992, c.40).

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. In addition to the amounts appropriated in P.L.1992, c.40 and the general provisions contained therein, there are appropriated the following sums for the purposes specified:

GENERAL FUND
DIRECT STATE SERVICES
LEGISLATIVE BRANCH
09 Legislative Commissions
0025 Commission to Study Sex Discrimination in the Statutes

09-0025 Commission to Study Sex Discrimination
in the Statutes $70,000

Special Purpose:
Expenses of Commission .... ($70,000)

26 DEPARTMENT OF CORRECTIONS
10 Public Safety and Criminal Justice
7025 System-Wide Program Support

13-7025 Institutional Program Support $26,500,000

Special Purpose:
Increased operating costs .... ($26,500,000)

From the amount hereinabove appropriated for Increased operating costs, there shall be deducted and allocated a grant in the amount of $113,000 for the Joint Connection Program.

54 DEPARTMENT OF HUMAN SERVICES
20 Physical and Mental Health
24 Special Health Services
7540 Division of Medical Assistance and Health Services

21-7540 Health Services Administration and
Management............................ $1,000,000

Special Purpose:
Payments to Fiscal Agents .... ($1,000,000)

67 DEPARTMENT OF MILITARY AND VETERANS' AFFAIRS
80 Special Government Services
83 Services to Veterans
3610 Veterans' Programs Support

50-3610 Veterans' Outreach and Assistance $50,000

Special Purpose:
Agent Orange Commission...... ($50,000)

Total Appropriation, Direct State Services $27,620,000

GRANTS-IN-AID

50 DEPARTMENT OF HIGHER EDUCATION

30 Educational, Cultural and Intellectual Development
36 Higher Educational Services
5400 Office of the Chancellor--Grants-In-Aid

There is appropriated $1,000,000, of which amount $750,000 shall be allocated to the New Jersey Institute of Technology and $250,000 shall be allocated to Thomas A. Edison State College for the purpose of developing a system of portable personal data cards for the storage and retrieval of patient medical history and health care cost reimbursement information.

54 DEPARTMENT OF HUMAN SERVICES

20 Physical and Mental Health
24 Special Health Services
7540 Division of Medical Assistance and Health Services--Grants-In-Aid

22-7540 General Medical Services		$56,117,000
24-7540 Pharmaceutical Assistance to the Aged and Disabled		11,637,000
28-7540 Lifeline Programs..........		3,046,000
Total Appropriation, Division of Medical Assistance and Health Services		$70,800,000
Grants:		
Payments for Medical Assistance Recipients - Inpatient Hospital...............................	($22,387,000)	
Maternal and Child Health Expansion	(12,781,000)	
Payments for Medical Assistance Recipients - Outpatient Hospital...............................	(9,549,000)	
Medicaid Expansion - SOBRA	(8,048,000)	
Community Care Programs for Elderly and Disabled.....	(3,352,000)	
Pharmaceutical Assistance to the Aged--Claims......................	(11,637,000)	
Payments for Lifeline Credits ..	(1,364,000)	
Payments for Tenants Assistance Rebates................	(1,682,000)	

Notwithstanding the annual income limit amounts in section 2 of P.L.1975, c.194 (C.30:4D-21), effective January 1, 1993, a resident of this State who is either a recipient of disability insurance benefits under Title II of the federal Social Security Act (42 U.S.C. §401 et seq.) or 65 years of age and over and whose annual income is less than $16,171 if single or, if married, whose annual income combined with that of the resident's spouse is less than $19,828, shall be eligible for "Pharmaceutical Assistance to the Aged and Disabled" if the resident is not otherwise qualified for assistance under P.L.1968, c.413 (C.30:4D-1 et seq.).

Total Appropriation, Department of Human Services		$70,800,000

62 DEPARTMENT OF LABOR

50 Economic Planning, Development and Security

54 Manpower and Employment Services--Grants-In-Aid

07-4535 Vocational Rehabilitation Services		$1,500,000
Grants:		
Sheltered workshop support	($1,500,000)	
Total Appropriation, Department of Labor		$1,500,000
Total Appropriation, Grants-In-Aid		$72,300,000

STATE AID

34 DEPARTMENT OF EDUCATION

30 Educational, Cultural and Intellectual Development

34 Educational Support Services--State Aid

39-5095 Teachers' Pension and Annuity Assistance		$7,238,000
State Aid:		
Additional health benefits	($7,238,000)	

50 DEPARTMENT OF HIGHER EDUCATION

30 Educational, Cultural and Intellectual Development

36 Higher Educational Services

5400 Office of the Chancellor--State Aid

06-5400 Aid to County Colleges		$1,379,000
State Aid:		
Additional health benefits	($1,379,000)	

54 DEPARTMENT OF HUMAN SERVICES

50 Economic Planning, Development and Security
53 Economic Assistance and Security--State Aid
7550 Division of Family Development

15-7550 Income Maintenance Management	$28,000,000

State Aid:

Payments to Municipalities for Cost of General Assistance .... ($28,000,000)

The Commissioner of Human Services shall, in cooperation with the Commissioner of Labor and in consultation with the directors of the local welfare agencies, develop a system for the coordination of procedures and the exchange of information to ensure that "employable persons" receiving assistance also actively participate in an applicable training or employment program. The Commissioner of Human Services shall submit a report to the Senate Budget and Appropriations Committee and the Assembly Appropriations Committee by April 1, 1993, detailing the actions taken by the departments to achieve this coordination and exchange.

The Commissioner of Human Services, in consultation with the Commissioner of Labor, shall review the current definition of "employable person" as set forth in statute and regulation to assess its effectiveness in clearly defining those persons who are physically and mentally capable of working and to assess its clarity and specificity as it relates to the use of the definition by a local agency in determining the applicant's eligibility for assistance and the amount of assistance to be granted. The commissioner shall initiate action to modify the definition if deemed necessary. The commissioner's report shall also include a discussion of the commissioner's review, and any actions taken to modify, the definition of "employable person."

The Commissioner of Human Services shall submit a report to the Senate Budget and Appropriations Committee and the Assembly Appropriations Committee by April 1, 1993, detailing the actions, regulations or directives the commissioner will take, promulgate or issue, pursuant to the authority granted under P.L.1947, c.156 (C.44:8-107 et seq.), to standardize the forms used by all persons to apply for public assistance, to enhance procedures and improve efforts for the verification of the merits of each application and to ensure that an applicant for public assistance is receiving public assistance through one local agency only. The commissioner shall also conduct and include in this report a demographic survey of all general assistance recipients in this State.

Total Appropriation, State Aid.........	$36,617,000
Total Appropriation, General Fund ..	$136,537,000

CAPITAL CONSTRUCTION
42 DEPARTMENT OF ENVIRONMENTAL PROTECTION AND ENERGY
40 Community Development and Environmental Management
42 Natural Resource Management

There is appropriated, subject to allotment by the Director of the Division of Budget and Accounting, such amounts as may be necessary, not to exceed $12,500,000, for the State and local match of Federal Emergency Management Agency grants for emergency shore restoration and other projects awarded as a result of damage claims arising from the December, 1992 storm. To the extent that the undesignated fund balance of the General Fund is insufficient to support this appropriation, and in order that the amounts necessary to be expended under this provision are available, the Governor shall set aside a reserve of up to $12,500,000 from other General Fund appropriations authorized in P.L.1992, c.40, or any other available funds, the amount of which reserve shall be not be expended.

GUBERNATORIAL ELECTIONS FUND
DIRECT STATE SERVICES
66 DEPARTMENT OF LAW AND PUBLIC SAFETY
10 Public Safety and Criminal Justice
1420 Election Law Enforcement Commission

17-1420 Election Law Enforcement		$12,500,000
Special Purpose:		
Public Financing of the Gubernatorial Election	($12,500,000)	

The amount hereinabove for the Gubernatorial Elections Fund is payable out of the General Fund undesignated fund balance.

Grand Total Appropriation, All State Funds	$149,037,000

2. The following language provision in section 1 of P.L.1992, c.40, (on page 141 of Senate Bill No. 1000 (1R)) is amended to read as follows:

GENERAL FUND
STATE AID
54 DEPARTMENT OF HUMAN SERVICES
50 Economic Planning, Development and Security
53 Economic Assistance and Security--State Aid
7550 Division of Family Development

3. The following items in Section 1 of P.L.1992, c.40 (on page 149 of Senate Bill No. 1000 (1R)) are amended to read as follows:

GENERAL FUND
CAPITAL CONSTRUCTION
78 DEPARTMENT OF TRANSPORTATION
60 Transportation Programs
61 State Highway Facilities

Capital Project:

Transportation Trust Fund Account................................	($155,000,000)	

The sum provided hereinabove for the Transportation Trust Fund Account shall represent amounts equivalent to revenues receivable from motor fuel taxes dedicated by Article VIII, Section II, paragraph 4 of the State Constitution, and an amount equivalent to amounts due in Fiscal Year 1993 pursuant to contracts between the toll road authorities and the State together with such additional sums as may be necessary to support the amount hereinabove appropriated which shall be credited to the "Transportation Trust Fund Account." The moneys provided hereinabove shall be sufficient to enable the New Jersey Transportation Trust Fund Authority to satisfy all of its Fiscal Year 1993 debt service and any bond reserve requirements.

Total Appropriation, Department of Transportation		$155,000,000

4. Throughout P.L.1992, c.40, where appropriate, corresponding adjustments for fund totals, subtotals and other totals are amended to be in accordance with the supplements and amendments made by this act.

5. This act shall take effect immediately.

Approved January 13, 1993.

CHAPTER 4

AN ACT concerning programs for senior citizens, supplementing Titles 17 and 52 of the Revised Statutes and repealing P.L.1987, c.59.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

C.52:27D-29.32 Findings, declarations.

1. The Legislature finds and declares that: the availability, coverage and purchase of health insurance is complex and can cause serious problems for senior citizens; there are widespread misperceptions and confusion concerning Medicare and private health insurance coverages and emerging insurance products; the Division on Aging in the Department of Community Affairs has conducted a Senior Health Insurance Program which has successfully assisted senior citizens in understanding their insurance coverage and in making informed decisions concerning health insurance; and there is a continuing Statewide need to address health care insurance problems experienced by senior citizens and to provide education concerning insurance coverage for both acute and long-term health care services.

C.52:27D-29.33 Definitions.

2. As used in this act:

"County office on aging" means a county office on aging which is also designated as an area agency on aging for funding under the "Older Americans Act of 1965," Pub.L.89-73 (42 U.S.C. §3001 et seq.).

"Director" means the Director of the Division on Aging in the Department of Community Affairs.

"Senior citizen" means a person 60 years of age or older.

C.52:27D-29.34 Senior Health Insurance Counseling Program.

3. a. There is established in the Division on Aging in the Department of Community Affairs a Senior Health Insurance Counseling Program to provide health insurance information and assistance by trained volunteer counselors to senior citizens.

b. The Director of the Division on Aging shall establish the program in all counties in the State through the county offices on aging or other appropriate agencies designated by the director.

C.17:1C-6.1 Training program for volunteers.

4. The Department of Insurance, in conjunction with the Division on Aging, shall develop a training program for volunteers in

the Senior Health Insurance Counseling Program, established pursuant to P.L.1993, c.4 (C.52:27D-29.32 et al.), and conduct all training of volunteer counselors with regard to private health insurance coverage for senior citizens.

C.52:27D-29.35 Findings, declarations.

5. The Legislature finds and declares that: New Jersey home health agencies are reporting increased denials of reimbursement for Medicare home-based skilled nursing care by fiscal intermediaries of the federal Health Care Financing Administration; these home health care cutbacks are particularly serious in the context of national efforts to reduce hospital utilization; patients are leaving the hospital earlier and sicker, and need appropriate follow-up care; and the principal source of post-acute home health care for the elderly and disabled should be the Medicare program.

The Legislature further finds and declares that: recent reductions in Medicare home health benefits and other Medicare services may have been made through federal directives to fiscal intermediaries without public review and comment; in some cases benefits are denied in violation of federal law and regulations and, therefore, a program of legal assistance to aid New Jersey Medicare beneficiaries in appealing such denials should be established.

C.52:27D-29.36 Legal representation program to assist Medicare beneficiaries.

6. The Director of the Division on Aging in the Department of Community Affairs shall establish a legal representation program to assist Medicare beneficiaries under Title XVIII of the Social Security Act who are 65 years of age or older, or disabled, in appeals of unfairly denied Medicare coverage. The services provided under this program shall include, but not be limited to, the following: outreach to Medicare beneficiaries, the development and dissemination of educational materials pertaining to the Medicare program and the claims appeal process, the development and dissemination of materials for Medicare beneficiaries to submit their own appeals, and the offer of direct legal representation to appeal unfairly denied coverage under Part A and Part B of the Medicare program. Such legal representation may include, but not be limited to, appeals within the administrative appeals structure and appeals to the United States District Court.

C.52:27D-29.37 Guidelines; contracts.

7. The director shall establish guidelines for the operation of this program, and may contract with one or more qualified nonprofit organizations to provide the services described herein.

C.52:27D-29.38 Rules, regulations.

8. Pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), the director shall adopt rules and regulations necessary to carry out the purposes of this act.

9. P.L.1987, c.59 (C.30:4H-1 et seq.), is repealed.

10. This act shall take effect immediately.

Approved January 14, 1993.

CHAPTER 5

AN ACT to amend and supplement "An Act making appropriations for the support of the State Government and the several public purposes for the fiscal year ending June 30, 1993 and regulating the disbursement thereof," passed June 30, 1992 (P.L.1992, c.40), and amending P.L.1992, c.103.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. In addition to the amounts appropriated under P.L.1992, c.40, there is appropriated out of the General Fund the following sum for the purpose specified:

GENERAL FUND
GRANTS-IN-AID
46 DEPARTMENT OF HEALTH
20 Physical and Mental Health
21 Health Services--Grants-In-Aid

03-4230 Epidemiology and Disease Control		$140,000
Grants:		
New Jersey State Association of Cystic Fibrosis	($140,000)	

2. The following item in Section 1 of P.L.1992, c.40 is amended to read as follows:

GENERAL FUND
GRANTS-IN-AID
54 DEPARTMENT OF HUMAN SERVICES
50 Economic Planning, Development and Security
53 Economic Assistance and Security
7540 Division of Medical Assistance and Health Services -- Grants-In-Aid

28-7540 Lifeline Programs..........		$36,803,000
Total Appropriation, Division of Medical Assistance and Health Services		$36,803,000
Grants:		
Payments for Lifeline Credits ..	($2,678,000)	

3. The following item in Section 1 of P.L.1992, c.40 is amended to read as follows:

CASINO REVENUE FUND
GRANTS-IN-AID
54 DEPARTMENT OF HUMAN SERVICES
20 Physical and Mental Health
24 Special Health Services
7540 Division of Medical Assistance and Health Services -- Grants-In-Aid

22-7540 General Medical Services		$48,117,000
Total Appropriation, Division of Medical Assistance and Health Services		$130,120,000
Grants:		
Hearing aid assistance for the aged and disabled..................	($420,000)	

4. The following item in Section 3 of P.L.1992, c.103 is amended to read as follows:

CASINO REVENUE FUND
GRANTS-IN-AID
54 DEPARTMENT OF HUMAN SERVICES
50 Economic Planning, Development and Security
53 Economic Assistance and Security
7540 Division of Medical Assistance and Health Services -- Grants-In-Aid

28-7540 Lifeline Programs..........	$32,140,000

Total Appropriation, Division of Medical Assistance and Health Services		$32,140,000
Grants:		
Payments for Lifeline Credits	($32,140,000)	

5. This act shall take effect immediately.

Approved January 14, 1993.

CHAPTER 6

AN ACT concerning certain municipal services for qualified private communities and amending P.L.1989, c.299.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. Section 2 of P.L.1989, c.299 (C.40:67-23.3) is amended to read as follows:

C.40:67-23.3 Municipality to reimburse private community for services or provide services.

2. a. Except as otherwise provided in subsection b. of this section, the governing body of every municipality shall reimburse a qualified private community for the following services as provided in sections 4 and 5 of P.L.1989, c.299 (C.40:67-23.5 and C.40:67-23.6) or provide the following services within a qualified private community in the same fashion as the municipality provides these services on public roads and streets:

(1) Removal of snow, ice and other obstructions from the roads and streets;

(2) Lighting of the roads and streets, to the extent of payment for the electricity required, but not including the installation or maintenance of lamps, standards, wiring or other equipment; and

(3) Collection of leaves and recyclable materials along the roads and streets and the collection or disposal of solid waste along the roads and streets.

b. Nothing in P.L.1989, c.299 (C.40:67-23.2 et seq.) shall require a municipality to operate any municipally owned or leased vehicles or other equipment, or to provide any of the services enumerated in subsection a. of this section, upon, along or in relation to any road or street in a qualified private community which either (1) is not accepted for dedication to public use or (2) does not meet all municipal standards and specifications for such dedication, except for width.

c. The Director of the Division of Local Government Services in the Department of Community Affairs, for the purpose of calculating the allowable operating appropriations before exceptions pursuant to section 2 of P.L.1976, c.68 (C.40A:4-45.2), shall provide a cap base adjustment to the total general appropriations of the local budget year prior to the year in which the services are first provided by the municipality for the full amount appropriated pursuant to P.L.1989, c.299 (C.40:67-23.2 et seq.).

2. Section 5 of P.L.1989, c.299 (C.40:67-23.6) is amended to read as follows:

C.40:67-23.6 Schedule for reimbursement for portion of cost.

5. a. Pursuant to a reimbursement agreement entered into in lieu of providing some or all of the services set forth in section 2 of P.L.1989, c.299 (C.40:67-23.3), the municipality shall reimburse the qualified private community for a portion of the cost of providing services commencing in local budget year 1993 for municipalities operating on a calendar year basis and in local budget year 1994 for municipalities operating on a fiscal year basis in the following manner:

1993 or 1994, as appropriate,...20% of the total cost of services in 1993 or 1994, as appropriate

1994 or 1995, as appropriate,...40% of the total cost of services in 1994 or 1995, as appropriate

1995 or 1996, as appropriate,...60% of the total cost of services in 1995 or 1996, as appropriate

1996 or 1997, as appropriate,...80% of the total cost of services in 1996 or 1997, as appropriate

The total cost of services in each local budget year shall be determined pursuant to section 4 of P.L.1989, c.299 (C.40:67-23.5). In local budget year 1997 or 1998, as appropriate, and for each local budget year thereafter, the municipality shall either provide the services pursuant to section 2 of P.L.1989, c.299 (C.40:67-23.3) or enter into a written agreement to annually reimburse the qualified private community in full pursuant to section 4 of P.L.1989, c.299 (C.40:67-23.5).

b. Notwithstanding the schedule set forth in subsection a. of this section, any municipality that entered into a reimbursement agreement prior to January 1, 1993, shall be permitted to continue in accordance with the schedule in that reimbursement agreement.

c. Appropriations by a municipality during the phase-in period in conformance with the implementation schedule set forth in subsection a. or b. of this section shall be considered appropriations mandated by State statute for the purposes of subsection cc. of section 3 of P.L.1976, c.68 (C.40A:4-45.3). The Director of the Division of Local Government Services in the Department of Community Affairs, for the purpose of calculating the allowable operating appropriations before exceptions, shall provide a cap base adjustment to the local budget year in which the 100% level is reached for the full amount appropriated pursuant to P.L.1989, c.299 (C.40:67-23.2 et seq.).

3. R.S.40:66-1 is amended to read as follows:

Street cleaning; solid waste disposal; ordinances, rules and regulations.

40:66-1. a. The governing body may provide for the cleaning of the streets of the municipality, and for the collection or disposal of solid waste, and may establish and operate a system therefor; purchase and operate the necessary equipment for the cleaning of streets, and for the collection or disposal of solid waste; make, amend, repeal and enforce all such ordinances, resolutions, rules and regulations as may be deemed necessary and proper for the introduction, operation and management of such system, and for the maintenance and operation of a solid waste facility, subject to the provisions of the "Solid Waste Management Act," P.L.1970, c.39 (C.13:1E-1 et seq.) and the "Solid Waste Utility Control Act of 1970," P.L.1970, c.40 (C.48:13A-1 et al.), for the disposal of solid waste, and for the government of employees connected therewith.

b. A municipal governing body that establishes a system for the collection or disposal of solid waste pursuant to subsection a. of this section, in its discretion, may limit service furnished by it to curbside collection along public streets or roads that have been dedicated to and accepted by the municipality. The municipal governing body may also refuse to enter upon private property to remove solid waste from dumpsters or other containers. The municipal governing body, in its sole discretion, may choose to reimburse those property owners who do not receive the municipal service, but such reimbursement shall not exceed the cost that would be incurred by the municipality in providing the collection or disposal service directly. Nothing contained in this subsection shall be deemed to modify the provisions of P.L.1989, c.299 (C.40:67-23.2 et seq.) with respect to qualified private communities.

4. Section 8 of P.L.1989, c.299 is amended to read as follows:

8. This act shall take effect immediately and shall remain inoperative until January 1, 1993.

5. This act shall take effect immediately.

Approved January 14, 1993.

CHAPTER 7

AN ACT providing for State aid for school districts and revising parts of the statutory law.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. This act shall be known and may be cited as the "Public School Reform Act of 1992."

2. Notwithstanding the provisions of any other law to the contrary, State foundation aid, special education aid, aid for bilingual pupils, at-risk aid, transportation aid, county vocational aid, debt service aid and transition aid for the 1993-94 school year shall be distributed as follows:

a. Each school district shall be entitled to State at-risk aid, special education aid, aid for bilingual pupils, transition aid and county vocational aid as defined under the "Quality Education Act of 1990," P.L.1990, c.52 (C.18A:7D-1 et al.), in an amount equal to the amount of at-risk aid (including the component of at-risk aid payable pursuant to section 32 of P.L.1991, c.62), special education aid, aid for bilingual pupils, transition aid and county vocational aid which the district received in the 1992-93 school year.

b. Each school district shall be entitled to State transportation aid in the amount the district received in the 1992-93 school year. Further, $4,000,000 in additional transportation aid shall be distributed so that each district's transportation aid is increased by the same percentage.

c. Each school district shall be entitled to debt service aid in the amount provided pursuant to section 18 of the "Quality Education Act of 1990," P.L.1990, c.52 (C.18A:7D-22), except that the district's State share percentage shall be the same as in the 1992-93 school year. In the event total State aid entitlement for debt service for the 1993-94 school year exceeds the debt service aid distributed to school districts in the 1992-93 school year, the Commissioner of Education shall proportionally reduce each district's debt service aid.

d. Each district which is not a special needs district shall receive foundation aid as defined under the "Quality Education Act of 1990," P.L.1990, c.52 (C.18A:7D-1 et al.), in an amount equal to the product of the foundation aid which the district received in the 1992-93 school year multiplied by 1.04.

e. Each special needs school district shall be entitled to State foundation aid in the amount the district received in the 1992-93 school year. Further, $115,000,000 in additional foundation aid shall be distributed to special needs districts so that each special needs district's foundation aid is increased by the same percentage, subject to adjustment by the Commissioner of Education with the agreement of the board of education of any affected school district.

f. The maximum amount of the payment in lieu of transportation for nonpublic school pupils provided pursuant to N.J.S.18A:39-1 shall be $675 per pupil.

g. Each district may increase its net budget for the 1993-94 school year by the same percentage that the district was permitted to increase its net budget for the 1992-93 school year pursuant to subsections a., c. and d. of section 85 of P.L.1990, c.52 (C.18A:7D-28). The provisions of subsections e. and f. of section 85 of P.L.1990, c.52 (C.18A:7D-28) shall be applicable to net budgets for the 1993-94 school year.

h. All State funds distributed to school districts for the 1993-94 school year pursuant to this section shall be dedicated to school purposes.

3. There is established the Education Funding Review Commission which shall be composed of 15 members as follows: three members to be appointed by the President of the Senate, not more than two of whom shall be of the same political party; three members to be appointed by the Speaker of the General Assembly, not more than two

of whom shall be of the same political party; six public members with knowledge and experience in the area of public school finance to be appointed by the Governor, not more than three of whom shall be of the same political party; and three representatives of the New Jersey Associations for Public Schools to be appointed by the Governor upon recommendation by the Associations.

Members of the commission shall serve without compensation.

The commission shall organize as soon as may be practicable after the appointment of its members and shall select a chairman from among its members and a secretary who need not be a member of the commission. It shall be entitled to the assistance and services of the employees of any State, county or municipal department, board, bureau, commission or agency which it may require and which may be available to it for these purposes, and to employ professional and research personnel, stenographic and clerical assistants and incur traveling and other miscellaneous expenses necessary to perform its duties, within the limits of funds appropriated or otherwise made available to it for these purposes. The commission may meet and hold hearings at the place or places it designates.

The commission shall be charged with recommending the specific provisions of a school funding formula which will establish a system of school funding which is sufficient to provide an equitable level of educational opportunity for all public school children in New Jersey.

The commission shall issue its findings and recommendations and deliver a copy of same to the Governor and the Legislature on November 15, 1993.

4. For the 1993-94 school year, any county vocational school district established after October 15, 1991 shall be eligible to receive county vocational program aid which shall be calculated pursuant to section 26 of P.L.1991, c.62 (C.18A:7D-21.1), and shall receive county vocational aid in an amount of up to $1,000,000 as determined by the Commissioner of Education.

5. For the 1993-94 fiscal year, there is established within the New Jersey Economic Development Authority a Capital Construction Account in the amount of $50,000,000, which shall be used to award grants to boards of education of special needs districts on the basis of a facilities needs assessment for the cost of construction, renovation, repair or alteration of public school

facilities. The New Jersey Economic Development Authority shall determine the amount of each grant based upon the recommendation of the Commissioner of Education. Districts shall be encouraged to utilize these funds to bring deteriorating facilities up to health and safety standards or to expand the districts' capacity to provide early childhood education through pre-kindergarten and full day kindergarten programs.

6. N.J.S.18A:66-33 is amended to read as follows:

State contributions.

18A:66-33. Regular interest charges payable, the creation and maintenance of reserves in the contingent reserve fund and the maintenance of retirement allowances and other benefits granted by the board of trustees under the provisions of this article are hereby made obligations of the State. Except as provided in N.J.S.18A:66-27, all income, interest, and dividends derived from deposits and investments authorized by this article shall be used for payment of these obligations of the State.

Upon the basis of each actuarial determination and appraisal provided for in this article, the board of trustees shall prepare and submit to the Governor in each year an itemized estimate of the amounts necessary to be appropriated by the State to provide for the payment in full on June 30 of the ensuing fiscal year of the obligations of the State accruing during the year preceding such payment. The Legislature shall make an appropriation sufficient to provide for the obligations of the State. The amounts so appropriated shall be paid into the contingent reserve fund. The amounts payable into the contingent reserve fund shall be paid by the State Treasurer, upon the certification of the commissioner and the warrant of the Director of the Division of Budget and Accounting, to the contingent reserve fund not later than June 30 of the ensuing fiscal year.

Annually the board of trustees shall report the amount necessary to be appropriated by the State on behalf of each employer pursuant to this section and N.J.S.18A:66-66.

7. N.J.S.18A:66-66 is amended to read as follows:

State, employer share of social security obligations.

18A:66-66. The State shall provide the amount of the employer's share of the social security contributions for members by appropriations upon certification by the State Treasurer as to the amounts required; provided, however, that the State's provision for the social security contributions shall be limited to contributions upon compensation upon which members' contributions to the retirement system are based. The employer shall pay the employer's share of social security contribution upon all other wages.

8. This act shall take effect immediately.

Approved January 14, 1993.

CHAPTER 8

AN ACT concerning the funding of pension adjustment and health care benefits for certain retirees and the providing of health care benefits for certain active and retired employees of school boards, amending P.L.1987, c.385 and P.L.1992, c.41, and supplementing P.L.1961, c.49 (C.52:14-17.25 et seq.).

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. Section 2 of P.L.1987, c.385 (C.18A:66-18.1) is amended to read as follows:

C.18A:66-18.1 Payment of pension adjustment benefits; health care benefits.

2. Pension adjustment benefits for members and beneficiaries of the Teachers' Pension and Annuity Fund as provided by the "Pension Adjustment Act," P.L.1958, c.143 (C.43:3B-1 et seq.) and health care benefits for qualified retirees and their dependents as provided by section 3 of P.L.1987, c.384 (C.52:14-17.32f) shall be paid by the retirement system and shall be funded as employer obligations as provided in this section. Health care benefits for qualified retirees and their dependents shall be funded and paid through a separate fund or trust of the retirement system in accordance with the requirements of subsection (h) of section 401 of the federal Internal Revenue Code (26 U.S.C. §401) or other fund or trust, established under the jurisdiction of the board of trustees, which shall receive contributions only to the extent that contributions cannot otherwise be made to a section 401 (h) trust due to the requirements of the federal law. Any premium

payments for retired participants shall first be a charge upon such other fund or trust and only secondarily on the assets set aside under the section 401(h) trust. The pension adjustment and health care benefits for qualified retirees shall be funded as employer obligations by the same method provided by law for the funding of employer obligations for the basic retirement benefits provided by the retirement system. Normal and accrued liability contribution rates for these benefits for active employees shall be determined for the 1990 valuation year and shall be phased in so that the level of recognition of the full normal and accrued liability contribution rates shall be 31.25% for valuation year 1990, 34.50% for valuation year 1991, and 34.50% for valuation year 1992, and the level of recognition shall be increased by 6% for each valuation year thereafter until the full normal and accrued liability contribution rates are fully recognized. The board of trustees shall determine the assumed percentage rate of increase applied to the cost of providing paid health benefits for retirees.

2. Section 35 of P.L.1992, c.41 is amended to read as follows:

35. The terms of the trustees appointed by the Governor to the board of trustees of the Police and Firemen's Retirement System, the Public Employees' Retirement System, the State Police Retirement System, and the Teachers' Pension and Annuity Fund, and of the members appointed by the Governor to the Consolidated Police and Firemen's Pension Fund Commission, who are currently serving on the board and the fund shall terminate at the end of the sixth calendar month following the effective date of P.L.1992, c.41, except that they shall continue to serve until their successors have been appointed and have qualified.

C.52:14-17.38c Surcharge payable to State Health Benefits Program.

3. With respect to any policy or contract between a local board of education and an insurance company writing insurance pursuant to Title 17B of the New Jersey Statutes, hospital service corporation, medical service corporation, health service corporation, or health maintenance organization which provides hospital or medical expense benefits:

a. upon the commencement of any policy or contract entered into after the effective date of this amendatory and supplementary act, P.L.1993, c.8 (C.52:14-17.38b et al.); or

b. in the case of any policy or contract in effect as of the effective date of this act, no earlier than the second anniversary date after the effective date of this act of any such policy or contract, the insurance company, hospital service corporation, medical service corporation, health service corporation, or health maintenance organization shall annually pay to the State Health Benefits Program a surcharge in the form of a percentage of the claims paid by the insurance company, hospital service corporation, medical service corporation, health service corporation, or health maintenance organization which are attributable to the coverage of the employees of the board and their dependents for the time period from July 1 through the following June 30, except that if the commencement or the second anniversary date of the policy or contract occurs after July 1, the initial surcharge shall be prorated for the remainder of that year from July 1 through the following June 30. The surcharge shall be paid on or before December 31 of the time period for which it is payable in the manner prescribed hereinafter, except that if the commencement or second anniversary date of the policy or contract occurs on or after November 1, an estimated initial surcharge shall be paid no later than the end of the sixth month following the commencement or anniversary date of the policy or contract or July 1 following the commencement or anniversary date of the policy or contract, whichever is earlier, and the actual surcharge payable for the initial time period shall be determined and adjustments, if any, shall be made to the surcharge payable for the succeeding time period in the manner prescribed hereinafter.

The initial surcharge percentage for the time period July 1, 1993 through June 30, 1994 shall be 3.25%. The State Treasurer shall thereafter annually redetermine the surcharge percentage, which shall be the percentage of total claims paid for active employees and for retired employees receiving health care coverage under the State Health Benefits Program pursuant to section 3 of P.L.1987, c.384 (C.52:14-17.32f) or subsection a. of section 2 of P.L.1992, c.126 (C.52:14-17.32f1) who are not eligible for Medicare which is reasonably attributable to the excess claim cost for these retired employees. The State Treasurer shall annually provide an estimated surcharge percentage based upon the claims paid for the 12 months immediately preceding the time period for which the surcharge is payable. Except as otherwise provided herein in the case of the initial surcharge, each organization shall pay to the State Health Benefits Program an estimated surcharge on or before December 31 of the time period for which the surcharge is payable, which shall be the amount determined by multiplying the total claims paid by the organization for the coverage for the 12 months immediately preceding the time period for which the surcharge is payable by the estimated surcharge percentage. Within three months after the time period for which the surcharge is payable, the State Treasurer shall determine the actual surcharge percentage for the time period based upon the actual claims experience for the period. The surcharge for the succeeding time period shall be increased or decreased, as appropriate, by the difference between the estimated surcharge paid and the surcharge due based upon the actual claims experience.

This section shall apply to any policy or contract in which the insurer has reserved the right to change the premium.

C.52:14-17.32h Enrollment in State Health Benefits Program by former employee of local board of education.

4. On or after July 1, 1993, a former employee of a local board of education who:

a. retires from employment with the board,

b. is receiving a retirement benefit from a State- or locally-administered retirement system,

c. is eligible for the federal Medicare program, and

d. is participating in the health benefits plan of the board may enroll in the State Health Benefits Program upon enrollment in the federal Medicare program. The laws and regulations governing the program, except as provided in this section, are applicable to enrollments in the program under this section.

A former employee of a local board of education who shall have retired from employment with the board prior to July 1, 1993 and who meets the requirements for enrollment in the State Health Benefits Program prescribed in this section may enroll in the program on or after July 1, 1993 and on or before June 30, 1994.

C.52:14-17.38b Participation in State Health Benefits Program by local board of education.

5. Notwithstanding the provisions of any other law, rule, or regulation to the contrary, any local board of education may elect to participate in the State Health Benefits Program upon the termination of any contract in effect on the effective date of this amendatory and supplementary act, P.L.1993, c.8 (C.52:14-17.38b et al.), between the board of education and an insurance company writing insurance pursuant to Title 17B of the New Jersey Statutes, hospital service corporation, medical service

corporation, health service corporation, or health maintenance organization to provide hospital and medical expense benefits. Such election shall be in accordance with the laws and regulations otherwise applicable to participation by employers other than the State in the program. If the board does not elect to participate in the State Health Benefits Program at that time, its eligibility to elect such participation thereafter shall be subject to the time period specified by the State Health Benefits Commission for participating again in the State Health Benefits Program after a participant's withdrawal from the program.

6. This act shall take effect immediately.

Approved January 14, 1993.

CHAPTER 9

AN ACT allowing the use of permit fees to support the cost of permit management staff in the Department of Environmental Protection and supplementing P.L.1991, c.417 (C.13:1D-114 et seq.).

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

C.13:1D-114.1 Use of permit fee revenues to fund permit management staff.

1. With regard to any permit defined pursuant to section 1 of P.L. 1991, c.417 (C.13:1D-114), and notwithstanding any other provision of law to the contrary, the Department of Environmental Protection may allocate from those permit fee revenues otherwise authorized such sums, not to exceed $700,000 annually, as are necessary to cover the reasonable cost of administering, staffing and equipping the department's permit management staff. No fee shall be increased to compensate for any allocation made pursuant to this section.

2. This act shall take effect immediately and be retroactive to July 1, 1992.

Approved January 14, 1993.

CHAPTER 10

AN ACT exempting certain telecommunications charges for coin operated telecommunications devices from the sales and use tax and amending P.L.1966, c.30.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. Section 2 of P.L.1966, c.30 (C.54:32B-2) is amended to read as follows:

C.54:32B-2 Definitions.

2. Unless the context in which they occur requires otherwise, the following terms when used in this act shall mean:

(a) Person. Person includes an individual, partnership, society, association, joint stock company, corporation, public corporation or public authority, estate, receiver, trustee, assignee, referee, and any other person acting in a fiduciary or representative capacity, whether appointed by a court or otherwise, and any combination of the foregoing.

(b) Purchase at retail. A purchase by any person at a retail sale.

(c) Purchaser. A person who purchases property or who receives services.

(d) Receipt. The amount of the sales price of any property and the charge for any service taxable under this act, valued in money, whether received in money or otherwise, including any amount for which credit is allowed by the vendor to the purchaser, without any deduction for expenses or early payment discounts, but excluding any credit for property of the same kind that is not tangible personal property purchased for lease accepted in part payment and intended for resale, excluding the cost of transportation where such cost is separately stated in the written contract, if any, and on the bill rendered to the purchaser, and excluding the amount of the sales price for which food stamps have been properly tendered in full or part payment pursuant to the federal Food Stamp Act of 1977, Pub.L.95-113 (7 U.S.C. § 2011 et seq.).

(e) Retail sale. (1) A sale of tangible personal property to any person for any purpose, other than (A) for resale either as such or as converted into or as a component part of a product produced for sale by the purchaser, or (B) for use by that person in performing the services subject to tax under subsection (b) of section 3 where the property so sold becomes a physical component part of the property upon which the services are performed or where the property so sold is later actually transferred to the purchaser of the service in conjunction with the performance of the service subject to tax.

(2) For the purposes of this act, the term retail sales includes:

Sales of tangible personal property to all contractors, subcontractors or repairmen of materials and supplies for use by them in erecting structures for others, or building on, or otherwise improving, altering, or repairing real property of others.

(3) For the purposes of this act, the term retail sale includes the purchase of tangible personal property for lease.

(4) The term retail sales does not include:

(A) Professional, insurance, or personal service transactions which involve the transfer of tangible personal property as an inconsequential element, for which no separate charges are made.

(B) The transfer of tangible personal property to a corporation, solely in consideration for the issuance of its stock, pursuant to a merger or consolidation effected under the laws of New Jersey or any other jurisdiction.

(C) The distribution of property by a corporation to its stockholders as a liquidating dividend.

(D) The distribution of property by a partnership to its partners in whole or partial liquidation.

(E) The transfer of property to a corporation upon its organization in consideration for the issuance of its stock.

(F) The contribution of property to a partnership in consideration for a partnership interest therein.

(G) The sale of tangible personal property where the purpose of the vendee is to hold the thing transferred as security for the performance of an obligation of the vendor.

(f) Sale, selling or purchase. Any transfer of title or possession or both, exchange or barter, rental, lease or license to use or consume, conditional or otherwise, in any manner or by any means whatsoever for a consideration, or any agreement therefor, including the rendering of any service, taxable under this act, for a consideration or any agreement therefor.

(g) Tangible personal property. Corporeal personal property of any nature.

(h) Use. The exercise of any right or power over tangible personal property by the purchaser thereof and includes, but is not limited to, the receiving, storage or any keeping or retention for any length of time, withdrawal from storage, any installation, any affixation to real or personal property, or any consumption of such property. Use also includes the exercise of any right or power over intrastate or interstate telecommunications and the benefit of advertising space in a telecommunications user or provider directory or index.

(i) Vendor. (1) The term "vendor" includes:

(A) A person making sales of tangible personal property or services, the receipts from which are taxed by this act;

(B) A person maintaining a place of business in the State and making sales, whether at such place of business or elsewhere, to persons within the State of tangible personal property or services, the use of which is taxed by this act;

(C) A person who solicits business either by employees, independent contractors, agents or other representatives or by distribution of catalogs or other advertising matter and by reason thereof makes sales to persons within the State of tangible personal property or services, the use of which is taxed by this act;

(D) Any other person making sales to persons within the State of tangible personal property or services, the use of which is taxed by this act, who may be authorized by the director to collect the tax imposed by this act; and

(E) The State of New Jersey, any of its agencies, instrumentalities, public authorities, public corporations (including a public corporation created pursuant to agreement or compact with another state) or political subdivisions when such entity sells services or property of a kind ordinarily sold by private persons.

(F) A person who purchases tangible personal property for lease, whether in this State or elsewhere. For the purposes of Title 54 of the Revised Statutes, the presence of leased tangible personal property in this State is deemed to be a place of business in this State.

(2) In addition, when in the opinion of the director it is necessary for the efficient administration of this act to treat any salesman, representative, peddler or canvasser as the agent of the vendor, distributor, supervisor or employer under whom he operates or from whom he obtains tangible personal property sold by him or for whom he solicits business, the director may, in his discretion, treat such agent as the vendor jointly responsible with his principal, distributor, supervisor or employer for the collection and payment over of the tax.

(j) Hotel. A building or portion of it which is regularly used and kept open as such for the lodging of guests. The term "hotel" includes an apartment hotel, a motel, boarding house or club, whether or not meals are served.

(k) Occupancy. The use or possession or the right to the use or possession, of any room in a hotel.

(l) Occupant. A person who, for a consideration, uses, possesses, or has the right to use or possess, any room in a hotel under any lease, concession, permit, right of access, license to use or other agreement, or otherwise.

(m) Permanent resident. Any occupant of any room or rooms in a hotel for at least 90 consecutive days shall be considered a permanent resident with regard to the period of such occupancy.

(n) Room. Any room or rooms of any kind in any part or portion of a hotel, which is available for or let out for any purpose other than a place of assembly.

(o) Admission charge. The amount paid for admission, including any service charge and any charge for entertainment or amusement or for the use of facilities therefor.

(p) Amusement charge. Any admission charge, dues or charge of roof garden, cabaret or other similar place.

(q) Charge of a roof garden, cabaret or other similar place. Any charge made for admission, refreshment, service, or merchandise at a roof garden, cabaret or other similar place.

(r) Dramatic or musical arts admission charge. Any admission charge paid for admission to a theatre, opera house, concert hall or other hall or place of assembly for a live, dramatic, choreographic or musical performance.

(s) Lessor. Any person who is the owner, licensee, or lessee of any premises or tangible personal property which he leases, subleases, or grants a license to use to other persons.

(t) Place of amusement. Any place where any facilities for entertainment, amusement, or sports are provided.

(u) Casual sale. Casual sale means an isolated or occasional sale of an item of tangible personal property by a person who is not regularly engaged in the business of making sales at retail where such property was obtained by the person making the sale, through purchase or otherwise, for his own use in this State.

(v) Motor vehicle. Motor vehicle shall include all vehicles propelled otherwise than by muscular power (excepting such vehicles as run only upon rails or tracks), trailers, semitrailers, housetrailers, or any other type of vehicle drawn by a motor-driven vehicle, and motorcycles, designed for operation on the public highways.

(w) "Persons required to collect tax" or "persons required to collect any tax imposed by this act" shall include: every vendor of tangible personal property or services; every recipient of amusement charges; every operator of a hotel; every lessor; and every vendor of telecommunications. Said terms shall also include any officer or employee of a corporation or of a dissolved corporation who as such officer or employee is under a duty to act for such corporation in complying with any requirement of this act and any member of a partnership. Provided, however, the vendor of tangible personal property to all contractors, subcontractors or repairmen, consisting of materials and supplies for use by them in erecting structures for others, or building on, or otherwise improving, altering or repairing real property of others, shall not be deemed a person required to collect tax, and the tax imposed by any section of this act shall be paid directly to the director by such contractors, subcontractors or repairmen.

(x) "Customer" shall include: every purchaser of tangible personal property or services; every patron paying or liable for the payment of any amusement charge; and every occupant of a room or rooms in a hotel.

(y) "Property and services the use of which is subject to tax" shall include: (1) all property sold to a person within the State, whether or not the sale is made within the State, the use of which property is subject to tax under section 6 or will become subject to tax when such property is received by or comes into the possession or control of such person within the State; (2) all services rendered to a person within the State, whether or not such services are performed within the State, upon tangible personal property the use of which is subject to tax under section 6 or will become subject to tax when such property is received by or comes into possession or control of such person within the State; (3) intrastate or interstate telecommunications charged to a service address in this State; and (4) advertising space in a telecommunications user or provider directory or index distributed in this State.

(z) Director. Director means the Director of the Division of Taxation of the State Department of the Treasury, or any officer, employee or agency of the Division of Taxation in the Department of the Treasury duly authorized by the director (directly, or indirectly by one or more redelegations of authority) to perform the functions mentioned or described in this act.

(aa) "Lease" means the possession or control of tangible personal property by an agreement, not transferring sole title, as may be evidenced by a contract, contracts, or by implication from other circumstances including course of dealing or usage of trade or course of performance, for a period of more than 28 days.

(bb) The amount of the sales price" of tangible personal property purchased for lease means, at the election of the lessor, either (1) the amount of the lessor's purchase price or (2) the amount of the total of the lease payments attributable to the lease of such property. Tangible personal property purchased for lease is subject to the provisions of subsection (a) of section 3 of P.L.1966, c.30 (C.54:32B-3).

(cc) "Telecommunications" means the act or privilege of originating or receiving messages or information through the use of any kind of one-way or two-way communication; including but not limited to voice, video, facsimile, teletypewriter, computer, cellular mobile or portable telephone, specialized mobile or portable pager or paging service, or any other type of communication; using electronic or electromagnetic methods, and all services and equipment provided in connection therewith or by means thereof. "Telecommunications" shall not include:

(1) one-way radio or television broadcasting transmissions available universally to the general public without a fee;

(2) purchases of telecommunications by a telecommunications provider for use as a component part of telecommunications provided to an ultimate retail consumer who (A) originates or terminates the taxable end-to-end communications or (B) pays charges exempt from taxation pursuant to paragraph (5) of this subsection;

(3) services provided by a person, or by that person's wholly owned subsidiary, not engaged in the business of rendering or offering telecommunications services to the public, for private and exclusive use within its organization, provided however, that "telecommunications" shall include the sale of telecommunications services attributable to the excess unused telecommunications capacity of that person to another;

(4) charges in the nature of subscription fees paid by subscribers for cable television service; and

(5) charges subject to the local calling rate paid by inserting coins into a coin operated telecommunications device available to the public.

(dd) "Interstate telecommunication" means any telecommunication that originates or terminates inside this State, including international telecommunication.

(ee) "Intrastate telecommunication" means any telecommunication that originates and terminates within this State.

2. Section 4 of P.L.1966, c.30 (C.54:32B-4) is amended to read as follows:

New Jersey State Library

C.54:32B-4 Tax bracket schedule, pay phone formula.

4. Tax bracket schedule. a. For the purpose of adding and collecting the tax imposed by this act, or an amount equal as nearly as possible or practicable to the average equivalent thereof, to be reimbursed to the vendor by the purchaser, the following formula shall be in force and effect:

Amount of Sale	Amount of Tax
$0.01 to $0.10	No Tax
0.11 to 0.22	$0.01
0.23 to 0.38	0.02
0.39 to 0.56	0.03
0.57 to 0.72	0.04
73 to 0.88	0.05
0.89 to $1.10	0.06

In addition to a tax of $0.06 on each full dollar, a tax shall be collected on each part of a dollar in excess of a full dollar, in accordance with the above formula.

b. For charges paid by inserting coins into a coin operated telecommunications device available to the public the tax shall be computed to the nearest multiple of five cents of the tax otherwise due pursuant to subsection a. of this section, except that, if the amount of the tax is midway between multiples of five cents, the next higher multiple shall apply.

3. This act shall take effect immediately and be retroactive to July 1, 1990.

Approved January 15, 1993.

CHAPTER 11

AN ACT concerning the taking of wildlife, and supplementing Title 23 of the Revised Statutes.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

C.23:7A-1 Definitions.

1. As used in this act:

"Taking" means to hunt, capture, kill, trap, catch, net, possess, or collect, or to attempt to hunt, capture, kill, trap, catch, net, possess, or collect, wildlife.

"Wildlife" means any wild mammal, bird, reptile, amphibian, fish, shellfish, mollusk, crustacean, or other wild animal, or any part, product, egg, or offspring, or the dead body or parts, thereof.

C.23:7A-2 Prevention of lawful taking of wildlife prohibited.

2. No person may, for the purpose of hindering or preventing the lawful taking of wildlife:

a. block, obstruct, or impede, or attempt to block, obstruct, or impede, a person lawfully taking wildlife;

b. erect a barrier with the intent to deny ingress to or egress from areas where wildlife may be lawfully taken;

c. make, or attempt to make, unauthorized physical contact with a person lawfully taking wildlife;

d. engage in, or attempt to engage in, theft, vandalism, or destruction of personal or real property;

e. disturb or alter, or attempt to disturb or alter, the condition or authorized placement of personal or real property intended for use in the lawful taking of wildlife;

f. enter or remain upon public lands or waters, or upon private lands or waters without permission of the owner thereof or an agent of that landowner, where wildlife may be lawfully taken;

g. make or attempt to make loud noises or gestures, set out or attempt to set out animal baits, scents, or lures or human scent, use any other natural or artificial visual, aural, olfactory, or physical stimuli, or engage in or attempt to engage in any other similar action or activity, in order to disturb, alarm, drive, attract, or affect the behavior of wildlife or disturb, alarm, disrupt, or annoy a person lawfully taking wildlife; or

h. interject himself into the line of fire of a person lawfully taking wildlife.

Subsections a., b., e., f., and g. of this section shall not apply to a law enforcement officer or conservation officer enforcing the laws of this State or any local ordinance, or a private landowner or agent thereof on land or waters owned by that private landowner.

C.23:7A-3 Violations, penalties.

3. a. The Director of the Division of Fish, Game and Wildlife may institute a civil action in the Superior Court for injunctive and other relief for a violation of this act, and the court may proceed in the action in a summary manner.

b. A person who violates this act shall be guilty of a petty disorderly persons offense.

c. A person who violates this act shall be liable to a civil penalty of not less than $100 nor more than $500 for each offense, to be collected in a summary proceeding under "the penalty enforcement law," N.J.S. 2A:58-1 et seq. The Superior Court and the municipal court for the municipality in which the violation occurred shall have jurisdiction to enforce "the penalty enforcement law."

d. For the purposes of subsections b. and c. of this section, if the violation is of a continuing nature, each day during which it continues shall constitute an additional, separate, and distinct offense.

e. In addition to bringing a civil action for injunctive relief or any other relief provided by law, a person who is adversely affected by a violation of this act may bring a civil action for damages, including punitive damages and special damages, against the violator. Special damages may include, but need not be limited to, expenditures of the affected person for license and permit fees, travel expenses, guide fees and expenses, and the cost of special equipment and supplies, to the extent any such expenditures were rendered futile by the action or activities of the violator.

4. This act shall take effect immediately.

Approved January 15, 1993.

CHAPTER 12

AN ACT concerning commercial motor vehicles and amending R.S.39:1-1 and P.L.1950, c.142.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. R.S.39:1-1 is amended to read as follows:

Words and phrases defined.

39:1-1. As used in this subtitle, unless other meaning is clearly apparent from the language or context, or unless inconsistent with the manifest intention of the Legislature:

"Alley" means a public highway wherein the roadway does not exceed 12 feet in width.

"Authorized emergency vehicles" means vehicles of the fire department, police vehicles and such ambulances and other vehicles as are approved by the Director of the Division of Motor Vehicles in the Department of Law and Public Safety when operated in response to an emergency call.

"Automobile" includes all motor vehicles except motorcycles.

"Berm" means that portion of the highway exclusive of roadway and shoulder, bordering the shoulder but not to be used for vehicular travel.

"Business district" means that portion of a highway and the territory contiguous thereto, where within any 600 feet along such highway there are buildings in use for business or industrial purposes, including but not limited to hotels, banks, office buildings, railroad stations, and public buildings which occupy at least 300 feet of frontage on one side or 300 feet collectively on both sides of the roadway.

"Car pool" means two or more persons commuting on a daily basis to and from work by means of a vehicle with a seating capacity of nine passengers or less.

"Commercial motor vehicle" includes every type of motor-driven vehicle used for commercial purposes on the highways, such as the transportation of goods, wares and merchandise, excepting such vehicles as are run only upon rails or tracks and vehicles of the passenger car type used for touring purposes or the carrying of farm products and milk, as the case may be.

"Commissioner" means the Director of the Division of Motor Vehicles in the Department of Law and Public Safety of this State.

"Commuter van" means a motor vehicle having a seating capacity of not less than seven nor more than 15 adult passengers, in which seven or more persons commute on a daily basis to and from work and which vehicle may also be operated by the driver or other designated persons for their personal use.

"Crosswalk" means that part of a highway at an intersection included within the connections of the lateral lines of the sidewalks on opposite sides of the highway measured from the curbs or, in the absence of curbs, from the edges of the shoulder, or, if none, from the edges of the roadway; also, any portion of a highway at an intersection or elsewhere distinctly indicated for pedestrian crossing by lines or other marking on the surface.

"Dealer" includes every person actively engaged in the business of buying, selling or exchanging motor vehicles or motorcycles and who has an established place of business.

"Department" means the Division of Motor Vehicles in the Department of Law and Public Safety of this State acting directly or through its duly authorized officers or agents.

"Deputy commissioner" means deputy director of the Division of Motor Vehicles in the Department of Law and Public Safety.

"Deputy director" means deputy director of the Division of Motor Vehicles in the Department of Law and Public Safety.

"Director" means the Director of the Division of Motor Vehicles in the Department of Law and Public Safety.

"Division" means the Division of Motor Vehicles in the Department of Law and Public Safety acting directly or through its duly authorized officers or agents.

"Driver" means the rider or driver of a horse, bicycle or motorcycle or the driver or operator of a motor vehicle, unless otherwise specified.

"Explosives" means any chemical compound or mechanical mixture that is commonly used or intended for the purpose of producing an explosion and which contains any oxidizing and combustive units or other ingredients in such proportions, quantities or packing that an ignition by fire, friction, by concussion, by percussion, or by detonator of any part of the compound or mixture may cause such a sudden generation of highly heated gases that the resultant gaseous pressures are capable of producing destructive effects on contiguous objects or of destroying life or limb.

"Farm tractor" means every motor vehicle designed and used primarily as a farm implement for drawing plows, mowing machines, and other implements of husbandry.

"Flammable liquid" means any liquid having a flash point below 200° Fahrenheit, and a vapor pressure not exceeding 40 pounds.

"Gross weight" means the combined weight of a vehicle and a load thereon.

"High occupancy vehicle" or "HOV" means a vehicle which is used to transport two or more persons and shall include public transportation, car pool, van pool, and other vehicles as determined by regulation of the Department of Transportation.

"Highway" means the entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel.

"Horse" includes mules and all other domestic animals used as draught animals or beasts of burden.

"Inside lane" means the lane nearest the center line of the roadway.

"Intersection" means the area embraced within the prolongation of the lateral curb lines or, if none, the lateral boundary lines of two or more highways which join one another at an angle, whether or not one such highway crosses another.

"Laned roadway" means a roadway which is divided into two or more clearly marked lanes for vehicular traffic.

"Limited-access highway" means every highway, street, or roadway in respect to which owners or occupants of abutting lands and other persons have no legal right of access to or from the same except at such points only and in such manner as may be determined by the public authority having jurisdiction over such highway, street, or roadway; and includes any highway designated as a "freeway" or "parkway" by authority of law.

"Local authorities" means every county, municipal and other local board or body having authority to adopt local police regulations under the Constitution and laws of this State, including every county governing body with relation to county roads.

"Magistrate" means any municipal court and the Superior Court, and any officer having the powers of a committing magistrate and the Director of the Division of Motor Vehicles in the Department of Law and Public Safety.

"Manufacturer" means a person engaged in the business of manufacturing or assembling motor vehicles, who will, under normal business conditions during the year, manufacture or assemble at least 10 new motor vehicles.

"Metal tire" means every tire the surface of which in contact with the highway is wholly or partly of metal or other hard nonresilient material.

"Motorized bicycle" means a pedal bicycle having a helper motor characterized in that either the maximum piston displacement is less than 50 cc. or said motor is rated at no more than 1.5 brake horsepower and said bicycle is capable of a maximum speed of no more than 25 miles per hour on a flat surface.

"Motorcycle" includes motorcycles, motor bikes, bicycles with motor attached and all motor-operated vehicles of the bicycle or tricycle type, except motorized bicycles as defined in this section, whether the motive power be a part thereof or attached thereto and having a saddle or seat with driver sitting astride or upon it or a platform on which the driver stands.

"Motor-drawn vehicle" includes trailers, semitrailers, or any other type of vehicle drawn by a motor-driven vehicle.

"Motor vehicle" includes all vehicles propelled otherwise than by muscular power, excepting such vehicles as run only upon rails or tracks and motorized bicycles.

"Noncommercial truck" means every motor vehicle designed primarily for transportation of property, and which is not a "commercial vehicle."

"Official traffic control devices" means all signs, signals, markings, and devices not inconsistent with this subtitle placed or erected by authority of a public body or official having jurisdiction for the purpose of regulating, warning, or guiding traffic.

"Omnibus" includes all motor vehicles used for the transportation of passengers for hire, except commuter vans and vehicles used in ridesharing arrangements and school buses, if the same are not otherwise used in the transportation of passengers for hire.

"Operator" means a person who is in actual physical control of a vehicle or street car.

"Outside lane" means the lane nearest the curb or outer edge of the roadway.

"Owner" means a person who holds the legal title of a vehicle, or if a vehicle is the subject of an agreement for the conditional sale or lease thereof with the right of purchase upon performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee or lessee, or if a mortgagor of a vehicle is entitled to possession, then the conditional vendee, lessee or mortgagor shall be deemed the owner for the purpose of this subtitle.

"Parking" means the standing or waiting on a street, road or highway of a vehicle not actually engaged in receiving or discharging passengers or merchandise, unless in obedience to traffic regulations or traffic signs or signals.

"Passenger automobile" means all automobiles used and designed for the transportation of passengers, other than omnibuses and school buses.

"Pedestrian" means a person afoot.

"Person" includes natural persons, firms, copartnerships, associations, and corporations.

"Pneumatic tire" means every tire in which compressed air is designed to support the load.

"Pole trailer" means every vehicle without motive power designed to be drawn by another vehicle and attached to the towing vehicle by means of a reach, or pole, or by being boomed or otherwise secured to the towing vehicle, and ordinarily used for transporting long or irregularly shaped loads, such as poles, pipes, or structural members capable, generally, of sustaining themselves as beams between the supporting connections.

"Private road or driveway" means every road or driveway not open to the use of the public for purposes of vehicular travel.

"Railroad train" means a steam engine, electric or other motor, with or without cars coupled thereto, operated upon rails, except street cars.

"Residence district" means that portion of a highway and the territory contiguous thereto, not comprising a business district, where within any 600 feet along such highway there are buildings in use for business or residential purposes which occupy 300 feet or more of frontage on at least one side of the highway.

"Ridesharing" means the transportation of persons in a motor vehicle, with a maximum carrying capacity of not more than 15 passengers, including the driver, where such transportation is incidental to the purpose of the driver. The term shall include such ridesharing arrangements known as car pools and van pools.

"Right-of-way" means the privilege of the immediate use of the highway.

"Road tractor" means every motor vehicle designed and used for drawing other vehicles and not so constructed as to carry any load thereon either independently or any part of the weight of a vehicle or load so drawn.

"Roadway" means that portion of a highway improved, designed, or ordinarily used for vehicular travel, exclusive of the berm or shoulder. In the event a highway includes two or more separate roadways, the term "roadway" as used herein shall refer to any such roadway separately, but not to all such roadways, collectively.

"Safety zone" means the area or space officially set aside within a highway for the exclusive use of pedestrians, which is so plainly marked or indicated by proper signs as to be plainly visible at all times while set apart as a safety zone.

"School bus" means every motor vehicle operated by, or under contract with, a public or governmental agency, or religious or other charitable organization or corporation, or privately operated for compensation for the transportation of children to or from school for secular or religious education, which complies with the regulations of the Department of Education affecting school buses, including "School Vehicle Type I" and "School Vehicle Type II" as defined below:

"School Vehicle Type I" means any vehicle with a seating capacity of 17 or more, used to transport enrolled children, and adults only when serving as chaperones, to or from a school, school connected activity, day camp, summer day camp, nursery school, child care center, preschool center or other similar places of education. Such vehicle shall comply with the regulations of the Division of Motor Vehicles and either the Department of Education or the Department of Human Services, whichever is the appropriate supervising agency.

"School Vehicle Type II" means any vehicle with a seating capacity of 16 or less, used to transport enrolled children, and adults only when serving as chaperones, to or from a school, school connected activity, day camp, summer day camp, nursery school, child care center, preschool center or other similar places of education. Such vehicle shall comply with the regulations of the Division of Motor Vehicles and either the Department of Education or the Department of Human Services, whichever is the appropriate supervising agency.

"School zone" means that portion of a highway which is either contiguous to territory occupied by a school building or is where school crossings are established in the vicinity of a school, upon which are maintained appropriate "school signs" in accordance with specifications adopted by the director and in accordance with law.

"School crossing" means that portion of a highway where school children are required to cross the highway in the vicinity of a school.

"Semitrailer" means every vehicle with or without motive power, other than a pole trailer, designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that some part of its weight and that of its load rests upon or is carried by another vehicle.

"Shipper" means any person who shall deliver, or cause to be delivered, any commodity, produce or article for transportation as the contents or load of a commercial motor vehicle. In the case of a sealed ocean container, "shipper" shall not be construed to include any person whose activities with respect to the shipment are limited to the solicitation or negotiation of the sale, resale, or exchange of the commodity, produce or article within that container.

"Shoulder" means that portion of the highway, exclusive of and bordering the roadway, designed for emergency use but not ordinarily to be used for vehicular travel.

"Sidewalk" means that portion of a highway intended for the use of pedestrians, between the curb line or the lateral line of a shoulder, or if none, the lateral line of the roadway and the adjacent right-of-way line.

"Sign." See "Official traffic control devices."

"Slow-moving vehicle" means a vehicle run at a speed less than the maximum speed then and there permissible.

"Solid tire" means every tire of rubber or other resilient material which does not depend upon compressed air for the support of the load.

"Street" means the same as highway.

"Street car" means a car other than a railroad train, for transporting persons or property and operated upon rails principally within a municipality.

"Stop," when required, means complete cessation from movement.

"Stopping or standing," when prohibited, means any cessation of movement of a vehicle, whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic control sign or signal.

"Through highway" means every highway or portion thereof at the entrances to which vehicular traffic from intersecting highways is required by law to stop before entering or crossing the same and when stop signs are erected as provided in this chapter.

"Trackless trolley" means every motor vehicle which is propelled by electric power obtained from overhead trolley wires but not operated upon rails.

"Traffic" means pedestrians, ridden or herded animals, vehicles, street cars, and other conveyances either singly, or together, while using any highway for purposes of travel.

"Traffic control signal" means a device, whether manually, electrically, mechanically, or otherwise controlled, by which traffic is alternately directed to stop and to proceed.

"Trailer" means every vehicle with or without motive power, other than a pole trailer, designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that no part of its weight rests upon the towing vehicle.

"Truck" means every motor vehicle designed, used, or maintained primarily for the transportation of property.

"Truck tractor" means every motor vehicle designed and used primarily for drawing other vehicles and not so constructed as to carry a load other than a part of the weight of the vehicle and load so drawn.

"Van pooling" means seven or more persons commuting on a daily basis to and from work by means of a vehicle with a seating arrangement designed to carry seven to 15 adult passengers.

"Vehicle" means every device in, upon or by which a person or property is or may be transported upon a highway, excepting devices moved by human power or used exclusively upon stationary rails or tracks or motorized bicycles.

2. Section 5 of P.L.1950, c.142 (C.39:3-84.3) is amended to read as follows:

C.39:3-84.3 Measurement, weighing to determine compliance.

5. a. Any State Police officer is authorized to require the driver, operator, owner, lessee or bailee of any vehicle or combination of vehicles found on any public road, street or highway or on any public or quasi-public property in this State to stop and submit the vehicle or combination of vehicles, including load or contents, to measurement or weighing to determine whether the size or weight of the vehicle or combination of vehicles, including load or contents, is in excess of that permitted in this Title, by means of measuring or weighing devices or scales approved and certified by the State Superintendent of Weights and Measures or his agent. Copies of documents displaying the seal or certification of the State Superintendent of Weights and Measures shall be prima facie evidence of the reliability and accuracy of the measuring or weighing devices or scales utilized in the enforcement of this Title. The driver, operator, owner, lessee or bailee of a vehicle or combination of vehicles, including load or contents, that is to be measured or weighed may be required to drive or otherwise move the vehicle or combination of vehicles to a location, as directed by the officer or inspector, where the vehicle or combination of vehicles, including load or contents, can be measured or weighed, as described in this section.

b. Whenever the officer, upon measuring or weighing a vehicle or combination of vehicles, including load or contents, determines that the size or weight is in excess of the limits permitted in this Title, the officer or inspector shall require the driver, operator, owner, lessee or bailee to stop the vehicle or combination of vehicles in a suitable place and remain in that place until a portion of the load or contents of the vehicle or combination of vehicles is removed by the driver, operator, owner, lessee, bailee or duly appointed agent thereof, as may be necessary to conform or reduce the size or weight of the vehicle or combination of vehicles, including load or contents, to those limits as permitted under this act, or permitted by the certificate of registration for the vehicle or combination of vehicles, whichever may be lower. All materials so unloaded or removed shall be cared for by the driver, owner, operator, lessee or bailee of the vehicle or combination of vehicles, or duly appointed agent thereof, at the risk, responsibility and liability of the driver, owner, operator, lessee, bailee or duly appointed agent thereof.

c. No vehicle or combination of vehicles shall be deemed to be in violation of the weight limitation provision of this act, when, upon examination by the officer, the dispatch papers for the vehicle or combination of vehicles, including load or contents, show it is proceeding from its last preceding freight pickup point within the State of New Jersey by a reasonably expeditious route to the nearest available scales or to the first available scales in the general direction towards which the vehicle or combination of vehicles has been dispatched, or is returning from such scales after weighing-in to the last preceding pickup point.

d. When the officer determines that a vehicle or combination of vehicles, including load or contents, is in violation of the weight limitations of this Title as provided at paragraph (1) of subsection b. of R.S.39:3-84; paragraph (2) of subsection b. of R.S.39:3-84; paragraph (3) of subsection b. of R.S.39:3-84; or paragraph (5) of subsection b. of R.S.39:3-84 relative to maximum gross axle weights, but is within the permissible maximum gross vehicle weight of this Title as provided at paragraph (4) of subsection b. of R.S.39:3-84 or paragraph (5) of subsection b. of R.S.39:3-84, whichever is applicable, the driver, operator, owner, lessee, bailee or duly appointed agent thereof shall be permitted, before proceeding, to redistribute the weight of the vehicle or combination of vehicles or the load or contents of the vehicle or combination of vehicles so that no axle or combination of consecutive axles are in excess of the limits set by this act, in which event there is no violation.

e. When the officer determines that a vehicle or combination of vehicles, including load or contents, is in violation of the height, width or length limits of this Title as provided at subsection a. of R.S.39:3-84, the driver, operator, owner, lessee or bailee of the vehicle or combination of vehicles or duly appointed agent thereof shall be permitted, before proceeding, to adjust, reduce or conform the vehicle or combination of vehicles, including load or contents, so that the vehicle or combination of vehicles, including load or contents, are not in excess of the height, width, or length limits set by this act, in which event there is no violation.

f. The provisions of this subsection shall not apply to a vehicle or combination of vehicles, including load or contents, found or operated on any highway in this State which is part of or designated as part of the National Interstate System, as provided at 23 U.S.C. § 103(e). No arrest shall be made or summons issued for a violation of the weight limitations provided in this act at subsection b. of R.S.39:3-84 where the excess weight is no more than 5% of the weight permitted, provided the gross weight of the vehicle or combination of vehicles, including load or contents, does not exceed the maximum gross weight of 80,000 pounds as set forth at paragraph (4) of subsection b. of R.S.39:3-84.

g. Any person who presents to the officer, or has in his possession, or who prepares false dispatch papers, that is to say, dispatch papers which do not correspond to the cargo carried, shall be subject to a fine not to exceed $100.00.

h. Any driver of a vehicle or combination of vehicles who fails or refuses to stop and submit the vehicle or combination of vehicles, including load or contents, to measurement or weighing, as provided in this Title, or otherwise fails to comply with the provisions of this section, shall be subject to a fine not exceeding $200.00.

i. The owner, lessee, bailee or any one of the aforesaid of any vehicle or combination of vehicles found or operated on any public road, street or highway or on any public or quasi-public property in this State in violation of the height, width or length limits as set forth in subsection a. of R.S.39:3-84 shall be fined not less than $150.00 nor more than $500.00.

j. The owner, lessee, bailee or any one of the aforesaid of any vehicle or combination of vehicles found or operated on any public road, street or highway or on any public or quasi-public property in this State, with a gross weight of the vehicle or combination of vehicles, including load or contents, in excess of the weight limitations as provided at subsection b. of R.S.39:3-84 or section 3 of P.L.1950, c.142 (C.39:3-84.1) shall be fined an amount equal to $0.02 per pound for each pound of the total excess weight; provided the total excess weight is 10,000 pounds or less, or shall be fined an amount equal to $0.03 per pound for each pound of the total excess weight; provided the total excess weight is more than 10,000 pounds, but in no event shall the fine be less than $50.00. However, in the case of any vehicle or combination of vehicles carrying a sealed ocean container, either the shipper, the consignee or both, shall be liable for a violation of the weight limitations as provided at subsection b. of R.S.39:3-84 relative to maximum gross axle weights.

k. Whenever a vehicle or combination of vehicles, including load or contents, is found to be in violation of any two or more of the weight limitations as provided at subsection b. of R.S.39:3-84 or section 3 of P.L.1950, c.142 (C.39:3-84.1), the fine levied shall be only for the violation involving the greater or greatest excess weight.

3. This act shall take effect immediately.

Approved January 15, 1993.

CHAPTER 13

AN ACT concerning the issuance of food stamps and supplementing Title 2C of the New Jersey Statutes.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

C.2C:20-35 Definitions.

1. As used in this act:

"ATP card" means a document issued by a State or federal agency, to a certified household, to show the food stamp allotment a household is authorized to receive on presentation.

"Department" means the Department of Human Services.

"Food stamp coupon" means any coupon or stamp used or intended for use in the purchase of food pursuant to the federal food stamp program, 7 U.S.C.§2011 et seq.

C.2C:20-36 Misuse of food stamp coupons, ATP card, value equal or greater than $150.

2. If the face value of food stamp coupons or an ATP card is equal to or greater than $150, an individual shall be guilty of a crime of the fourth degree if he purposely or knowingly and without authorization:

a. Receives or uses the proceeds of food stamp coupons or an ATP card for which he has not applied or has not been approved by the department to use;

b. Engages in any transaction to convert food stamp coupons or an ATP card to other property contrary to federal and State government rules and regulations governing the food stamp program; or

c. Transfers food stamp coupons or an ATP card to another person who is not lawfully entitled or approved by the department to use the coupons or ATP card.

C.2C:20-37 Misuse of food stamp coupons, ATP card, value less than $150.

3. If the face value of food stamp coupons or an ATP card is less than $150, an individual shall be guilty of a disorderly persons offense if he purposely or knowingly and without authorization:

a. Receives or uses the proceeds of food stamp coupons or an ATP card for which he has not applied or has not been approved, by the department, to use;

b. Engages in any transaction to convert food stamp coupons or an ATP card to other property contrary to federal and State government rules and regulations governing the food stamp program; or

c. Transfers food stamp coupons or an ATP card to another person who is not lawfully entitled or approved, by the department, to use the coupons or ATP card.

4. Nothing in this act shall be deemed to preclude, if the evidence so warrants, an indictment and conviction for any other offense under State or federal law.

5. This act shall take effect immediately.

Approved January 15, 1993.

CHAPTER 14

AN ACT concerning the payment of certain health insurance benefits in the event of a child support order or separation agreement and supplementing chapter 34 of Title 2A of the New Jersey Statutes.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

C.2A:34-23b Direct payments to health care provider.

1. a. Notwithstanding any provision of law to the contrary, if a child support order or separation agreement requires the non-custodial parent to provide health care insurance, the payment of benefits for any covered services under that insurance shall, upon submission of the relevant section of the order or agreement by the custodial parent to the insurer, be made directly to the health care provider.

b. Every child support order issued or separation agreement executed on or after the effective date of this act shall provide notice of the right of the custodial parent to have health insurance benefits paid directly to the health care provider pursuant to subsection a. of this section.

2. This act shall take effect on the 60th day after the date of enactment.

Approved January 20, 1993.

CHAPTER 15

AN ACT authorizing a "Charity Racing Day for Backstretch Benevolency Programs."

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

C.5:5-44.8 "Charity Racing Day for Backstretch Benevolency Programs," fund.

1. a. The New Jersey Racing Commission shall designate one of the racing days authorized each year to a holder of a permit to hold or conduct a horse race meeting pursuant to P.L.1940, c.17 (C.5:5-22 et seq.) as "Charity Racing Day for Backstretch Benevolency Programs" or shall allot to each such permit holder one additional racing day to be known as "Charity Racing Day for Backstretch Benevolency Programs."

b. All moneys received by the commission as its share of the total contributions to all parimutuel pools conducted or made on the racing day designated or allotted pursuant to subsection a. of this section shall be deposited in a separate fund to be known as the Backstretch Benevolency Programs Fund, which is hereby created in the Department of the Treasury. The moneys in the fund shall be appropriated exclusively to the commission to be used by it to fund programs which promote the health, safety, or welfare of backstretch employees. As used in this subsection, "backstretch employee" means any person employed at a racetrack as a stable hand, groom, walker or exerciser or in any similar position designated by the commission which involves the handling or care of horses.

2. This act shall take effect immediately.

Approved January 20, 1993.

CHAPTER 16

AN ACT establishing the Medicaid Drug Utilization Review Board and supplementing P.L.1968, c.413 (C.30:4D-1 et seq.).

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

C.30:4D-17.16 Definitions.

1. As used in this act:

"Board" means the Medicaid Drug Utilization Review Board established pursuant to this act.

"Compendia" means those resources widely accepted by the medical profession in the efficacious use of drugs which is based on, but not limited to, these sources: the "American Hospital Formulary Services Drug Information," the "U.S. Pharmacopeia-Drug Information," the "American Medical Association Drug Evaluations," the peer-reviewed medical literature, and information provided from the manufacturers of drug products.

"Criteria" means those explicit and predetermined elements that are used to assess or measure drug use on an ongoing basis to determine if the use is appropriate, medically necessary, and not likely to result in adverse medical outcomes.

"Division" means the Division of Medical Assistance and Health Services in the Department of Human Services.

"Drug interactions" means the occurrence when two or more drugs taken by a recipient lead to clinically significant toxicity that is characteristic of one or any of the drugs present or that leads to the interference with the effectiveness of one or any of the drugs.

"Drug-disease contraindication" means the occurrence when the therapeutic effect of a drug is adversely altered by the presence of another disease or condition.

"Intervention" means a form of educational communication utilized by the board with a prescriber or pharmacist to inform about or to influence prescribing or dispensing practices.

"Medicaid" means the program established pursuant to P.L.1968, c.413 (C.30:4D-1 et seq.).

"Overutilization or underutilization" means the use or non-use of a drug in quantities such that the desired therapeutic goal is not achieved.

"Prospective drug utilization review" means that part of the drug utilization review program that occurs before the drug is dispensed and is designed to screen for potential drug therapy problems based on knowledge of the patient, the patient's continued drug use and the drug use criteria and standards developed by the board.

"Retrospective drug utilization review" means that part of the drug utilization review program that assesses or measures drug use based on an historical review of drug use data against criteria and standards developed by the board on an ongoing basis with professional input.

"Standards" means the acceptable range of deviation from the criteria that reflects local medical practice and that is tested on the Medicaid recipient database.

"Therapeutic appropriateness" means drug prescribing and dispensing based on rational drug therapy that is consistent with the criteria and standards developed pursuant to this act.

"Therapeutic duplication" means the prescribing and dispensing of the same drug or of two or more drugs from the same therapeutic class when overlapping time periods of drug administration are involved and when the prescribing or dispensing is not medically indicated.

C.30:4D-17.17 Medicaid Drug Utilization Review Board.

2. a. There is established the Medicaid Drug Utilization Review Board in the Division of Medical Assistance and Health Services in the Department of Human Services to administer the Medicaid drug utilization review program pursuant to this act.

The board shall consist of 12 members, including the Commissioner of Human Services or his designee, who shall serve as a nonvoting ex officio member, and 11 public members to be appointed by the Governor, with the advice and consent of the Senate, no more than six of whom shall be members of the same political party, as follows: four persons licensed and actively engaged in the practice of medicine in this State, three to be appointed upon the recommendation of the Medical Society of New Jersey and one upon the recommendation of the New Jersey Osteopathic Association; one person licensed as a physician in this State who is actively engaged in academic medicine; one person licensed and actively engaged in the practice of dentistry, to be appointed upon the recommendation of the New Jersey Dental Association; four persons licensed and actively practicing or teaching pharmacy in this State, to be appointed from a list of pharmacists recommended by the New Jersey Pharmaceutical Association, the New Jersey Council of Chain Drug Stores, the Garden State Pharmacy Owners, Inc., the New Jersey Society of Hospital Pharmacists, and the College of Pharmacy of Rutgers, The State University; and one person who shall represent pharmaceutical manufacturers, to be appointed upon the recommendation of the Pharmaceutical Manufacturers Association.

Each of the physician and pharmacist members of the board shall have expertise in the clinically appropriate prescribing and dispensing of outpatient drugs.

In appointing the public members of the board, the Governor shall give consideration to geographic diversity.

b. All appointments to the board shall be made no later than the 60th day after the effective date of this act. The public members shall be appointed for three-year terms and are eligible for reappointment, except that of the members first appointed, four shall be appointed for a term of three years, four for a term of two years, and three for a term of one year.

c. Vacancies in the membership of the board shall be filled in the same manner as the original appointments were made. Members of the board shall serve without compensation but shall be reimbursed for the necessary expenses incurred in the performance of their duties as members of the board, within the limits of available funds.

d. The board shall select a chairman from among the public members, who shall serve a one-year term, and a secretary who need not be a member of the board. The chairman may serve consecutive terms.

e. The division shall provide such staff and other resources as the board requires to carry out its responsibilities pursuant to this act.

C.30:4D-17.18 Responsibilities of board.

3. The board shall be responsible for:

a. The adoption of regulations, pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), to carry out its responsibilities pursuant to this act.

b. The implementation of a Medicaid drug utilization review program to ensure that prescriptions are appropriate, medically necessary, and not likely to result in adverse medical outcomes, including the approval of the provisions of any contractual agreement between the Medicaid program and other entities processing and reviewing Medicaid drug claims and profiles for the drug utilization review program.

The program shall include both retrospective and prospective drug utilization review. Retrospective drug utilization review shall include an analysis of drug claims processing data in order to identify patterns of fraud, abuse or gross overuse, and inappropriate or medically unnecessary care, and to assess data on drug use against standards that are based on the compendia and other sources. Prospective drug utilization review shall include a review conducted by the pharmacist at the point of sale.

c. The development and application of the criteria and standards to be used in retrospective and prospective drug utilization review in such a manner as to ensure that the criteria and standards are based on the compendia and are developed with professional input in a consensus fashion with provisions for timely reassessments and revisions as necessary, and with provisions for input by persons acting as consumer advocates. The board shall also consider relevant clinical information provided by interested parties outside of the board and, if appropriate, shall make revisions to the criteria and standards based upon this information in a timely manner. The drug utilization review standards shall reflect the local practices of physicians, in order to monitor:

(1) therapeutic appropriateness;

(2) overutilization or underutilization;

(3) therapeutic duplication;

(4) drug-disease contraindications;

(5) drug-drug interactions;

(6) incorrect drug dosage or duration of drug treatment; and

(7) clinical drug abuse or misuse.

d. The development, selection, application, and assessment of interventions or remedial strategies for physicians, pharmacists, and recipients that are educational and not punitive in nature to improve the quality of care, including:

(1) Information disseminated to physicians and pharmacists to ensure that physicians and pharmacists are aware of the duties and powers of the board;

(2) Written, oral, or electronic reminders of patient-specific or drug-specific information that are designed to ensure recipient, physician, and pharmacist confidentiality, and suggested changes in the prescribing or dispensing practices designed to improve the quality of care;

(3) The development of an educational program, administered directly by the board or through a contract with another entity, using data provided through drug utilization review as a part of active and ongoing educational outreach activities to improve prescribing and dispensing practices as provided in this act. These educational outreach activities shall include accurate, balanced and timely information about drugs and their effect on a patient. If the board contracts with another entity to provide this program, that entity shall publicly disclose any financial interest or benefit that accrues to it from the products selected or used in this program;

(4) Use of face-to-face discussion between experts in drug therapy and the prescriber or pharmacist who has been designated by the board for educational intervention;

(5) Intensified reviews or monitoring of selected prescribers or pharmacists;

(6) The timely evaluation of interventions to determine if the interventions have improved the quality of care; and

(7) The review of case profiles prior to the conducting of an intervention.

e. The submission of an annual report, which shall be subject to public comment prior to its issuance, to the federal Department of Health and Human Services by December 1 of each year. The annual report shall also be submitted to the Governor, the Legislature, the New Jersey Pharmaceutical Association and the New Jersey Medical Society by December 1 of each year. The report shall include the following information:

(1) An overview of the activities of the board and the drug utilization review program;

(2) Interventions used and their ability to improve the quality of care; however, this information shall not disclose the identities of individual physicians, pharmacists, or recipients, but shall specify whether the intervention was a result of underutilization or overutilization of drugs;

(3) The costs of administering the drug utilization review program;

(4) Any cost impact to other areas of the Medicaid program resulting from the drug utilization review program, such as hospitalization rates or changes in long-term care;

(5) A quantitative assessment of how drug utilization review has improved Medicaid recipients' quality of care;

(6) A review of the total number of prescriptions reviewed by drug therapeutic class;

(7) An assessment of the impact of the educational program established pursuant to subsection d. of this section and interventions on prescribing or dispensing practices, total program costs, quality of care and other pertinent patient patterns; and

(8) Recommendations for improvement of the drug utilization review program.

f. The development of a working agreement between the board and other boards or agencies, including, but not limited to: the Board of Pharmacy of the State of New Jersey and the State Board of Medical Examiners, in order to clarify any overlapping areas of responsibility.

g. The establishment of an appeal process for physicians or pharmacists pursuant to this act.

h. The publication and dissemination of medically correct and balanced educational information to physicians and pharmacists to identify and reduce the frequency of patterns of fraud, abuse, gross overuse, or inappropriate or medically unnecessary care among physicians, pharmacists and recipients, including:

(1) potential or actual reactions to drugs;

(2) therapeutic appropriateness;

(3) overutilization or underutilization;

(4) appropriate use of generic drugs;

(5) therapeutic duplication;

(6) drug-disease contraindications;

(7) drug-drug interactions;

(8) incorrect drug dosage or duration of drug treatment;

(9) drug allergy interactions; and

(10) clinical abuse or misuse.

i. The development and publication, with the input of the Board of Pharmacy of the State of New Jersey, of the guidelines to be used by pharmacists, including mail order pharmacies, in their counseling of Medicaid recipients.

j. The adoption and implementation of procedures designed to ensure the confidentiality of any information collected, stored, retrieved, assessed, or analyzed by the board, staff to the board, or contractors to the Medicaid drug utilization review program, that identifies individual physicians, pharmacists, or Medicaid recipients. The board may have access to identifying information for purposes of carrying out intervention activities, but the identifying information may not be released to anyone other than a member of the board, except that the board may release cumulative nonidentifying information for purposes of legitimate research. The improper release of identifying information in violation of this act may subject that person to criminal or civil penalties.

k. The determination of whether nursing or long-term care facilities under 42 CFR 483.60 are exempt from the provisions of this act.

4. This act shall take effect on January 1, 1993 or immediately, whichever date is sooner.

Approved January 20, 1993.

CHAPTER 17

AN ACT concerning the reclassification of a person as a surviving spouse in the State Police Retirement System and supplementing P.L.1965, c.89 (C.53:5A-1 et seq.).

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. Notwithstanding any other law to the contrary, for the purposes of the accidental death benefit payable pursuant to section 14 of P.L.1965, c.89 (C.53:5A-14), other than the benefit provided in subsection e. of that section but including the benefit provided in subsection h. of that section, a person shall be reclassified as a surviving spouse as of the effective date of this act provided that the person was married to a member who died in active service as a result of an accident met in the actual performance of duty and the person was remarried for less than two years.

2. This act shall take effect at such time as the Pension and Health Benefits Review Commission established pursuant to P.L.1991, c.382 (C.52:9HH-1 et seq.) shall have conducted a review of this act and shall have voted by a majority vote in favor of the act taking effect; provided, however, that if the commission fails to vote on or before the 120th day after enactment in favor of the act taking effect, the act shall not take effect, but if the act takes effect, the act shall expire on the 60th day after the effective date.

Approved January 21, 1993.

CHAPTER 18

AN ACT concerning public school contracts and amending P.L.1987, c.343.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. Section 3 of P.L.1987, c.343 (C.18A:18A-40.3) is amended to read as follows:

C.18A:18A-40.3 Withholding of partial payment.

3. With respect to any contract or agreement entered into by a board of education pursuant to section 1 of P.L.1987, c.343 (C.18A:18A-40.1) for which the contractor shall agree to the withholding of payments pursuant to section 2 of P.L.1987, c.343 (C.18A:18A-40.2), 5% of the amount due on each partial payment shall be withheld by the board of education pending completion of the contract or agreement if the contractor does not have a performance bond. If the contractor does have a performance bond, 2% of the amount due on each partial payment shall be withheld by the board of education when the outstanding balance of the contract exceeds $500,000, and 5% of the amount due on each partial payment shall be withheld by the board of education when the outstanding balance of the contract is $500,000 or less.

2. This act shall take effect immediately.

Approved January 22, 1993.

CHAPTER 19

AN ACT concerning membership of County Agriculture Development Boards and amending P.L.1983, c.32.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. Section 7 of P.L.1983, c.32 (C.4:1C-14) is amended to read as follows:

C.4:1C-14 County boards.

7. a. The governing body of any county may, by resolution duly adopted, establish a public body under the name and style of "The County Agriculture Development Board," with all or any significant part of the name of the county inserted. Every board shall consist of three non-voting members as follows: a representative of the county planning board; a representative of the local soil conservation district; and the county agent of the New Jersey Cooperative Extension Service whose jurisdiction encompasses the boundaries of the county; and seven voting members who

shall be residents of the county, four of whom shall be actively engaged in farming, the majority of whom shall own a portion of the land they farm, and three of whom shall represent the general public, appointed by the board of chosen freeholders, or, in the counties operating under the county executive plan or county supervisor plan pursuant to the provisions of the "Optional County Charter Law," P.L.1972, c.154 (C.40:41A-1 et seq.), by the county executive, or the county supervisor, as the case may be, with the advice and consent of the board of chosen freeholders. With respect to the members actively engaged in farming, the county board of agriculture shall recommend to the board of chosen freeholders, the county executive or the county supervisor, as appropriate, a list of potential candidates and their alternates to be considered for each appointment.

b. Of the seven members first to be appointed, three shall be appointed for terms of two years, two for terms of three years, and two for terms of four years. Thereafter, all appointments shall be made for terms of four years. Each of these members shall hold office for the term of the appointment and until a successor shall have been appointed and qualified. Any vacancy in the membership occurring other than by expiration of term shall be filled in the same manner as the original appointment but for the unexpired term only.

c. The board of chosen freeholders, county executive or county supervisor, as appropriate, may appoint such other advisory members to the board as they may deem appropriate.

d. Members of the board shall receive no compensation but the appointive members may, subject to the limits of funds appropriated or otherwise made available for these purposes, be reimbursed for expenses actually incurred in attending meetings of the board and in performance of their duties as members thereof.

e. The board shall meet as soon as may be practicable following the appointment of its members and shall elect a chairman from among its members and establish procedures for the conduct of regular and special meetings, provided that all meetings are conducted in accordance with the provisions of the "Open Public Meetings Act," P.L.1975, c.231 (C.10:4-6 et seq.). The chairman shall serve for a term of one year and may be reelected.

f. The chairman shall appoint three members actively engaged in farming to serve with the representatives of the general public for the purpose of mediating disputes pursuant to the provisions of section 19 of this act.

g. Notwithstanding the provisions of subsections a. and b. of this section, any public body established by the governing body of any county prior to May 3, 1982 which was established to carry out functions substantially similar to the functions of boards pursuant to this act and which proposes to apply for grants pursuant hereto may carry out the functions authorized herein, provided that within five years following the effective date of this act those boards established prior to May 3, 1982 shall reorganize so that the board reflects no more than a simple majority of members actively engaged in farming or equal representation of the general public and those actively engaged in farming.

2. This act shall take effect immediately.

Approved January 22, 1993.

CHAPTER 20

AN ACT concerning fish and game licenses, amending R.S.23:1-1, amending and supplementing R.S.23:3-1, and repealing R.S.23:9-1 and R.S.23:9-2.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. R.S.23:1-1 is amended to read as follows:

Definitions.

23:1-1. As used in this Title:

"Delaware river" means the waters of the Delaware river from the Pennsylvania shore to the New Jersey shore, or in the case of any tributaries or inland bays on the New Jersey side, to the mouths of those tributaries or bays;

"Division," "board," or "Board of Fish and Game Commissioners" means the Division of Fish, Game and Wildlife in the Department of Environmental Protection;

"Council" means the Fish and Game Council in the Division of Fish, Game and Wildlife in the Department of Environmental Protection;

"Code" means the State Fish and Game Code;

"Protector" or "fish and game protector" means chief conservation officer;

"Assistant protector" or "assistant fish and game protector" means district conservation officer;

"Warden" or "fish and game warden" means assistant district conservation officer or conservation officer;

"Deputy warden" or "deputy fish and game warden" means deputy conservation officer;

"Open season" means the time during the year when fish, game, birds or animals, as the case may be, may be captured, taken, killed or had in possession; and

"Closed season" means the time during the year when fish, game, birds or animals, as the case may be, may not be captured, taken, killed or had in possession.

2. R.S.23:3-1 is amended to read as follows:

License for hunting, fishing or trapping; penalty; exemptions.

23:3-1. a. A person shall not at any time hunt, take or attempt to take, kill or pursue, with a gun or any firearm of any kind or character, or with longbow and arrow, a wild bird, animal or fowl, or take or attempt to take any skunk, mink, muskrat, or other fur-bearing animal by means of a trap, or set a trap for any fur-bearing animal, nor shall any person above the age of 14 years at any time take or attempt to take fish in any of the fresh waters of this State by the method commonly known as angling with a hand line or rod and line, or with longbow and arrow, unless he has first procured a proper license.

b. A person shall not engage in hunting, fishing or trapping unless the appropriate license or tag as prescribed hereunder is visibly displayed in a holder in a conspicuous place on the outer clothing at the time of such hunting, fishing or trapping. A licensee shall exhibit his license and tag for inspection to any conservation officer, deputy conservation officer, police officer or other person requesting to see it.

c. A person under 12 years of age shall not be issued a trapping license.

d. A person who is on active duty with any branch or department of the armed service of the United States shall be entitled to hunt or fish upon obtaining the proper resident license therefor.

e. Nothing in this section shall prevent the occupant of a farm in this State, who actually resides thereon, or the immediate members of his family who also reside thereon, from hunting for, taking, killing or pursuing with a gun or firearm or a longbow and arrow on the farm a wild bird, animal or fowl, from taking any skunk, mink, muskrat, or other fur-bearing animal by means of a trap or from setting a trap for a fur-bearing animal on the farm, or from taking fish on the farm with hand line, rod and line, or longbow and arrow in the manner provided by law during the time when it is lawful so to do, without being licensed hereunder. The exemption provided pursuant to this subsection shall not apply to a person residing on the farm or in a tenant house thereon who is not a member of the occupant's family, nor to a servant of the occupant.

f. (1) Any person found hunting, fishing or trapping without the proper license or tag as may be required conspicuously displayed pursuant to subsection b. of this section shall be liable to a penalty of $10 and costs, to be recovered pursuant to the provisions of Title 23, chapter 10, of the Revised Statutes.

(2) Any person who violates any provision of this section for which a penalty is not otherwise expressly provided, shall be liable to a penalty of not less than $50 nor more than $200 for each offense.

C.23:3-1d Pennsylvania fishing license holders permitted to fish in Delaware river.

3. A valid fishing license issued by the Commonwealth of Pennsylvania shall constitute a proper license, as required pursuant to subsection a. of R.S. 23:3-1, to fish in the waters of the Delaware river within the jurisdiction of this State.

Repealer.

4. R.S.23:9-1 and R.S.23:9-2 are repealed.

5. This act shall take effect immediately and section 3 of P.L.1993, c.20 (C.23:3-1d) shall remain in effect as long as the Commonwealth of Pennsylvania has legislation in effect granting to holders of valid fishing licenses issued by the State of New Jersey privileges substantially similar to those granted by the State of New Jersey pursuant to section 3 of P.L.1993, c.20 (C.23:3-1d) to holders of valid fishing licenses issued by the Commonwealth of Pennsylvania.

Approved January 22, 1993.

CHAPTER 21

AN ACT concerning the sale or lease of certain motor vehicles, amending P.L.1988, c.123, and supplementing chapter 10 of Title 39 of the Revised Statutes.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

C.39:10-9.3 Certificate of ownership of motor vehicle returned to manufacturer to indicate status; violation; penalty; rules, regulations.

1. a. In every sale or transfer of a motor vehicle returned to the manufacturer under the provisions of P.L.1988, c.123 (C.56:12-29 et seq.), a similar statute of another state, or as the result of a legal action or an informal dispute settlement procedure, the certificate of ownership shall indicate, in a conspicuous and understandable manner, that the motor vehicle was returned to the manufacturer because it did not conform to the manufacturer's warranty and the nonconformity was not corrected within a reasonable time as provided by law. The notice required under the provisions of this subsection shall continue to appear on each certificate of ownership issued as a result of any subsequent sale or transfer of that motor vehicle.

b. Any person who transfers or attempts to transfer a motor vehicle in violation of this section shall be subject to a fine of not more than $7,500.

c. The Director of the Division of Motor Vehicles in the Department of Law and Public Safety, in accordance with the provisions of the "Administrative Procedure Act" P.L.1968, c.410 (C.52:14B-1 et seq.), shall promulgate rules and regulations to effectuate the purposes of this section.

2. Section 7 of P.L.1988, c.123 (C.56:12-35) is amended to read as follows:

C.56:12-35 Sale, leasing of returned motor vehicle.

7. a. If a motor vehicle is returned to the manufacturer under the provisions of this act or a similar statute of another state or as the result of a legal action or an informal dispute settlement procedure, it shall not be resold or re-leased in New Jersey unless:

(1) The manufacturer provides to the dealer or lessor and the dealer or lessor provides to the consumer the following written statement on a separate piece of paper, in 10-point bold-face type: "IMPORTANT: THIS VEHICLE WAS RETURNED TO THE MANUFACTURER BECAUSE IT DID NOT CONFORM TO THE MANUFACTURER'S WARRANTY AND THE NONCONFORMITY WAS NOT CORRECTED WITHIN A REASONABLE TIME AS PROVIDED BY LAW;"

(2) The dealer or lessor obtains from the consumer a signed receipt certifying, in a conspicuous and understandable manner, that the written statement required under this subsection has been provided. The director shall prescribe the form of the receipt. The dealer or lessor may fulfill his obligation to obtain a signed receipt under this paragraph by making such a notation, in a conspicuous and understandable manner, on the vehicle buyer order form accompanying the sale or lease of that vehicle; and

(3) The dealer or lessor, in accordance with the provisions of section 1 of P.L.1993, c.21 (C.39:10-9.3), notifies the Director of the Division of Motor Vehicles in the Department of Law and Public Safety of the sale or transfer of ownership of the motor vehicle.

b. Nothing in this section shall be construed as imposing an obligation on a dealer or lessor to determine whether a manufacturer is in compliance with the terms of this section nor shall it be construed as imposing liability on a dealer or lessor for the failure of a manufacturer to comply with the terms of this section.

c. Failure to comply with the provisions of this section constitutes an unlawful practice pursuant to section 2 of P.L.1960, c.39 (C.56:8-2).

3. Section 2 of P.L.1988, c.123 (C.56:12-30) is amended to read as follows:

C.56:12-30 Definitions.

2. As used in this act:

"Consumer" means a buyer or lessee, other than for purposes of resale or sublease, of a motor vehicle; a person to whom a motor vehicle is transferred during the duration of a warranty applicable to the motor vehicle; or any other person entitled by the terms of the warranty to enforce the obligations of the warranty.

"Dealer" means a person who is actively engaged in the business of buying, selling or exchanging motor vehicles at retail and who has an established place of business.

"Director" means the Director of the Division of Consumer Affairs in the Department of Law and Public Safety, or his designee.

"Division" means the Division of Consumer Affairs in the Department of Law and Public Safety.

"Lease agreement" means a contract or other written agreement in the form of a lease for the use of a motor vehicle by a person for a period of time exceeding 60 days, whether or not the lessee has the option to purchase or otherwise become the owner of the motor vehicle at the expiration of the lease.

"Lessee" means a person who leases a motor vehicle pursuant to a lease agreement.

"Lessor" means a person who holds title to a motor vehicle leased to a lessee under a lease agreement or who holds the lessor's rights under such an agreement.

"Lien" means a security interest in a motor vehicle.

"Lienholder" means a person with a security interest in a motor vehicle pursuant to a lien.

"Manufacturer" means a person engaged in the business of manufacturing, assembling or distributing motor vehicles, who will, under normal business conditions during the year, manufacture, assemble or distribute to dealers at least 10 new motor vehicles.

"Manufacturer's informal dispute settlement procedure" means an arbitration process or procedure by which the manufacturer attempts to resolve disputes with consumers regarding motor vehicle nonconformities and repairs that arise during the vehicle's warranty period.

"Manufacturer's warranty" or "warranty" means any warranty, whether express or implied of the manufacturer, of a new motor vehicle of its condition and fitness for use, including any terms or conditions precedent to the enforcement of obligations under the warranty.

"Motor vehicle" means a passenger automobile or motorcycle as defined in R.S.39:1-1 which is purchased or leased in the State of New Jersey or which is registered by the Division of Motor Vehicles in the Department of Law and Public Safety, except the living facilities of motor homes.

"Nonconformity" means a defect or condition which substantially impairs the use, value or safety of a motor vehicle.

"Reasonable allowance for vehicle use" means the mileage at the time the consumer first presents the motor vehicle to the dealer or manufacturer for correction of a nonconformity times the purchase price, or the lease price if applicable, of the vehicle, divided by one hundred thousand miles.

4. Section 9 of P.L.1988, c.123 (C.56:12-37) is amended to read as follows:

C.56:12-37 Dispute resolution.

9. a. A consumer shall have the option of submitting any dispute arising under section 4 of this act to the division for resolution. The director may establish a filing fee, to be paid by the consumer, fixed at a level not to exceed the cost for the proper administration and enforcement of this act. This fee shall

be recoverable as a cost under section 14 of this act. Upon application by the consumer and payment of any filing fee, the manufacturer shall submit to the State hearing procedure. The filing of the notice in subsection b. of section 5 of P.L.1988, c.123 (C.56:12-33) shall be a prerequisite to the filing of an application under this section.

b. The director shall review a consumer's application for dispute resolution and accept eligible disputes for referral to the Office of Administrative Law for a summary hearing to be conducted in accordance with special rules adopted pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), by the Office of Administrative Law in consultation with the director. Immediately upon acceptance of a consumer's application for dispute resolution, the director shall contact the parties and arrange for a hearing date with the Clerk of the Office of Administrative Law. The hearing date shall, to the greatest extent possible, be convenient to all parties, but shall be no later than 20 days from the date the consumer's application is accepted, unless a later date is agreed upon by the consumer. The Office of Administrative Law shall render a decision, in writing, to the director within 20 days of the conclusion of the summary hearing. The decision shall provide a brief summary of the findings of fact, appropriate remedies pursuant to this act, and a specific date for completion of all awarded remedies. The director, upon a review of the proposed decision submitted by the administrative law judge, shall adopt, reject, or modify the decision no later than 15 days after receipt of the decision. Unless the director modifies or rejects the decision within the 15-day period, the decision of the administrative law judge shall be deemed adopted as the final decision of the director. If the manufacturer unreasonably fails to comply with the decision within the specified time period, the manufacturer shall be liable for penalties in the amount of $5,000.00 for each day the manufacturer unreasonably fails to comply, commencing on the day after the specified date for completion of all awarded remedies.

c. The Office of Administrative Law is authorized to issue subpoenas to compel the attendance of witnesses and the production of documents, papers and records relevant to the dispute.

d. A manufacturer or consumer may appeal a final decision to the Appellate Division of the Superior Court. An appeal by a manufacturer shall not be heard unless the petition for the appeal is accompanied by a bond in a principal sum equal to the money award made by the administrative law judge plus $2,500.00 for anticipated attorney's fees and other costs, secured by cash or its equivalent, payable to the consumer. The liability of the surety of any bond filed pursuant to this section shall be limited to the indemnification of the consumer in the action. The bond shall not limit or impair any right of recovery otherwise available pursuant to law, nor shall the amount of the bond be relevant in determining the amount of recovery to which the consumer shall be entitled. If a final decision resulting in a refund to the consumer is upheld by the court, recovery by the consumer shall include reimbursement for actual expenses incurred by the consumer for the rental of a motor vehicle equivalent to the consumer's motor vehicle and limited to the period of time after which the consumer's motor vehicle was offered to the manufacturer for return under this act, except in those cases in which the manufacturer made a comparable vehicle available to the consumer free of charge during that period. If the court finds that the manufacturer had no reasonable basis for its appeal or that the appeal was frivolous, the court shall award treble damages to the consumer. Failure of the Office of Administrative Law to render a written decision within 20 days of the conclusion of the summary hearing as required by subsection b. of this section shall not be a basis for appeal.

e. The Attorney General shall monitor the implementation and effectiveness of this act and report to the Legislature after three years of operation, at which time a recommendation shall be made either to continue under the procedures set forth in this act or to make such modifications as may be necessary to effectuate the purposes of this act.

5. Section 10 of P.L.1988, c.123 (C.56:12-38) is amended to read as follows:

C.56:12-38 Statistics.

10. a. The Division of Consumer Affairs shall maintain an index of all motor vehicle disputes by make and model. The division shall, at six-month intervals, compile and maintain statistics indicating the record of manufacturer compliance with any settlement procedure decisions. The statistics shall be public record.

b. A manufacturer shall provide to the division all information on private arbitration or private buy-back programs maintained or instituted by the manufacturer. The information shall include the type and number of vehicles to which these programs apply and the reasons for establishing and maintaining the programs. The manufacturer shall provide the division with updated information at six month intervals.

6. Section 14 of P.L.1988, c.123 (C.56:12-42) is amended to read as follows:

C.56:12-42 Attorney, expert fees; costs.

14. In any action by a consumer against a manufacturer brought in Superior Court or in the division pursuant to the provisions of this act, a prevailing consumer shall be awarded reasonable attorney's fees, fees for expert witnesses and costs.

7. This act shall take effect on the first day of the third month following enactment.

Approved January 22, 1993.

CHAPTER 22

AN ACT requiring the State Department of Transportation to lease certain lands to the County of Union for public use purposes.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. The New Jersey Department of Transportation shall lease for public use all that property held by the Department of Transportation in the Houdaille Quarry, approximately 100 acres, located in the Township of Springfield and the City of Summit, both in Union County, to the County of Union, State of New Jersey. The lease shall provide that the County of Union shall lease the property for the consideration of $1 per year for a period of 99 years and shall provide that the property shall be used only for conservation and public recreation purposes and other public uses, including leaf composting facilities. The Department of Transportation may enter into negotiations with the governing body of the County of Union to determine any other terms and conditions of the lease.

Notwithstanding the provisions of section 1 of P.L.1968, c.49 (C.46:15-5), the leasehold interest for 99 years established pursuant to this section as a result of the lease entered into between the New Jersey Department of Transportation and the County of Union providing for the property in the Houdaille Quarry held by the department to be leased for public use to the county, shall not be treated as a freehold interest for the purposes of R.S.46:15-1 et seq. and P.L.1968, c.49 (C.46:15-5 et seq.).

The lease entered into pursuant to this section shall provide, in addition to any other terms and conditions, that the department reserves the right to cancel the lease at any time during the term of the lease, after written notice has been provided to the county, if the department determines that all or any part of the property in the Houdaille Quarry is needed for highway purposes.

If the department exercises its right to cancel the lease pursuant to this section, the provisions of the lease shall thereafter be null and of no effect.

2. This act shall take effect immediately.

Approved January 22, 1993.

CHAPTER 23

AN ACT concerning certain reporting requirements under the "Water Pollution Control Act" and amending P.L.1977, c.74.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. Section 6 of P.L.1977, c.74 (C.58:10A-6) is amended to read as follows:

C.58:10A-6 Permits; issuance; exemptions; prohibitions; requirements.

6. a. It shall be unlawful for any person to discharge any pollutant, except in conformity with a valid New Jersey Pollutant Discharge Elimination System permit that has been issued by the commissioner pursuant to this act or a valid National Pollutant Discharge Elimination System permit issued by the administrator pursuant to the Federal Act, as the case may be.

b. It shall be unlawful for any person to build, install, modify or operate any facility for the collection, treatment or discharge of any pollutant, except after approval by the department pursuant to regulations adopted by the commissioner.

c. The commissioner is hereby authorized to grant, deny, modify, suspend, revoke, and reissue NJPDES permits in accordance with this act, and with regulations to be adopted by him. The commissioner may reissue, with or without modifications, an NPDES permit duly issued by the federal government as the NJPDES permit required by this act.

d. The commissioner may, by regulation, exempt the following categories of discharge, in whole or in part, from the requirement of obtaining a permit under this act; provided, however, that an exemption afforded under this section shall not limit the civil or criminal liability of any discharger nor exempt any discharger from approval or permit requirements under any other provision of law:

(1) Additions of sewage, industrial wastes or other materials into a publicly owned sewage treatment works which is regulated by pretreatment standards;

(2) Discharges of any pollutant from a marine vessel or other discharges incidental to the normal operation of marine vessels;

(3) Discharges from septic tanks, or other individual waste disposal systems, sanitary landfills, and other means of land disposal of wastes;

(4) Discharges of dredged or fill materials into waters for which the State could not be authorized to administer the section 404 program under section 404(g) of the "Federal Water Pollution Control Act Amendments of 1972," as amended by the "Clean Water Act of 1977" (33 U.S.C. § 1344) and implementing regulations;

(5) Nonpoint source discharges;

(6) Uncontrolled nonpoint source discharges composed entirely of storm water runoff when these discharges are uncontaminated by any industrial or commercial activity unless these particular storm water runoff discharges have been identified by the administrator or the department as a significant contributor of pollution;

(7) Discharges conforming to a national contingency plan for removal of oil and hazardous substances, published pursuant to section 311(c)(2) of the Federal Act.

e. The commissioner shall not issue any permit for:

(1) The discharge of any radiological, chemical or biological warfare agent or high-level radioactive waste into the waters of this State;

(2) Any discharge which the United States Secretary of the Army, acting through the Chief of Engineers, finds would substantially impair anchorage or navigation;

(3) Any discharge to which the administrator has objected in writing pursuant to the Federal Act;

(4) Any discharge which conflicts with an areawide plan adopted pursuant to law.

f. A permit issued by the department or a delegated local agency, under this act shall require the permittee:

(1) To achieve effluent limitations based upon guidelines or standards established pursuant to the Federal Act or this act, together with such further discharge restrictions and safeguards against unauthorized discharge as may be necessary to meet water quality standards, areawide plans adopted pursuant to law, or other legally applicable requirements;

(2) Where appropriate, to meet schedules for compliance with the terms of the permit and interim deadlines for progress or reports of progress towards compliance;

(3) To insure that all discharges are consistent at all times with the terms and conditions of the permit and that no pollutant will be discharged more frequently than authorized or at a level in excess of that which is authorized by the permit;

(4) To submit application for a new permit in the event of any contemplated facility expansion or process modification that would result in new or increased discharges or, if these would not violate effluent limitations or other restrictions specified in the permit, to notify the commissioner, or delegated local agency, of such new or increased discharges;

(5) To install, use and maintain such monitoring equipment and methods, to sample in accordance with such methods, to maintain and retain such records of information from monitoring activities, and to submit to the commissioner, or to the delegated local agency, reports of monitoring results for surface waters, as may be stipulated in the permit, or required by the commissioner or delegated local agency pursuant to paragraph (9) of this subsection, or as the commissioner or the delegated local agency may prescribe for ground water. Significant indirect users, major industrial dischargers, and local agencies, other than those discharging only stormwater or noncontact cooling water, shall, however, report their monitoring results for discharges to surface waters monthly to the commissioner, or the delegated local agency. Discharge monitoring reports for discharges to surface waters shall be signed by the highest ranking official having day-to-day managerial and operational responsibilities for the discharging facility, who may, in his absence, authorize another responsible high ranking official to sign a monthly monitoring report if a report is required to be filed during that period of time. The highest ranking official shall, however, be liable in all instances for the accuracy of all the information provided in the

monitoring report; provided, however, that the highest ranking official may file, within seven days of his return, amendments to the monitoring report to which he was not a signatory. The highest ranking official having day-to-day managerial and operational responsibilities for the discharging facility of a local agency shall be the highest ranking licensed operator of the municipal treatment works in those instances where a licensed operator is required by law to operate the facility. In those instances where a local agency has contracted with another entity to operate a municipal treatment works, the highest ranking official who signs the discharge monitoring report shall be an employee of the contract operator and not of the local agency. Notwithstanding that an employee of a contract operator is the official who signs the discharge monitoring report, the local agency, as the permittee, shall remain liable for compliance with all permit conditions. In those instances where the highest ranking official having day-to-day managerial and operational responsibilities for a discharging facility of a local agency does not have the responsibility to authorize capital expenditures and hire personnel, a person having that responsibility, or a person designated by that person, shall submit to the department, along with the discharge monitoring report, a certification that that person has received and reviewed the discharge monitoring report. The person submitting the certification to the department shall not be liable for the accuracy of the information on the discharge monitoring report due to the submittal of the certification. Whenever a local agency has contracted with another entity to operate the municipal treatment works, the person submitting the certification shall be an employee of the permittee and not of the contract operator. The filing of amendments to a monitoring report in accordance with this paragraph shall not be considered a late filing of a report for purposes of subsection d. of section 6 of P.L.1990, c.28 (C.58:10A-10.1), or for purposes of determining a significant noncomplier;

(6) At all times, to maintain in good working order and operate as effectively as possible, any facilities or systems of control installed to achieve compliance with the terms and conditions of the permit;

(7) To limit concentrations of heavy metal, pesticides, organic chemicals and other contaminants in the sludge in conformance with the land-based sludge management criteria established by the department in the Statewide Sludge Management Plan adopted pursuant to the "Solid Waste Management Act," P.L.1970, c.39 (C.13:1E-1 et seq.) or established pursuant to the Federal Water

Pollution Control Act Amendments of 1972 (33 U.S.C. § 1251 et seq.), or any regulations adopted pursuant thereto;

(8) To report to the department or delegated local agency, as appropriate, any exceedance of an effluent limitation that causes injury to persons, or damage to the environment, or poses a threat to human health or the environment, within two hours of its occurrence, or of the permittee becoming aware of the occurrence. Within 24 hours thereof, or of an exceedance, or of becoming aware of an exceedance, of an effluent limitation for a toxic pollutant, a permittee shall provide the department or delegated local agency with such additional information on the discharge as may be required by the department or delegated local agency, including an estimate of the danger posed by the discharge to the environment, whether the discharge is continuing, and the measures taken, or being taken, to remediate the problem and any damage to the environment, and to avoid a repetition of the problem;

(9) Notwithstanding the reporting requirements stipulated in a permit for discharges to surface waters, a permittee shall be required to file monthly reports with the commissioner or delegated local agency if the permittee:

(a) in any month commits a serious violation or fails to submit a completed discharge monitoring report and does not contest, or unsuccessfully contests, the assessment of a civil administrative penalty therefor; or

(b) exceeds an effluent limitation for the same pollutant at the same discharge point source by any amount for four out of six consecutive months.

The commissioner or delegated local agency may restore the reporting requirements stipulated in the permit if the permittee has not committed any of the violations identified in this paragraph for six consecutive months;

(10) To report to the department or delegated local agency, as appropriate, any serious violation within 30 days of the violation, together with a statement indicating that the permittee understands the civil administrative penalties required to be assessed for serious violations, and explaining the nature of the serious violation and the measures taken to remedy the cause or prevent a recurrence of the serious violation.

g. The commissioner and a local agency shall have a right of entry to all premises in which a discharge source is or might be located or in which monitoring equipment or records required by a permit are kept, for purposes of inspection, sampling, copying or photographing.

h. In addition, any permit issued for a discharge from a municipal treatment works shall require the permittee:

(1) To notify the commissioner or local agency in advance of the quality and quantity of all new introductions of pollutants into a facility and of any substantial change in the pollutants introduced into a facility by an existing user of the facility, except for such introductions of nonindustrial pollutants as the commissioner or local agency may exempt from this notification requirement when ample capacity remains in the facility to accommodate new inflows. The notification shall estimate the effects of the changes on the effluents to be discharged into the facility.

(2) To establish an effective regulatory program, alone or in conjunction with the operators of sewage collection systems, that will assure compliance and monitor progress toward compliance by industrial users of the facilities with user charge and cost recovery requirements of the Federal Act or State law and toxicity standards adopted pursuant to this act and pretreatment standards.

(3) As actual flows to the facility approach design flow or design loading limits, to submit to the commissioner or local agency for approval, a program which the permittee and the persons responsible for building and maintaining the contributory collection system shall pursue in order to prevent overload of the facilities.

i. (1) All local agencies shall prescribe terms and conditions, consistent with applicable State and federal law, or requirements adopted pursuant thereto by the department, upon which pollutants may be introduced into treatment works, and shall have the authority to exercise the same right of entry, inspection, sampling, and copying, and to impose the same remedies, fines and penalties, and to recover costs and compensatory damages as authorized pursuant to subsection a. of section 10 of P.L.1977, c.74 (C.58:10A-10) and section 6 of P.L.1990, c.28 (C.58:10A-10.1), with respect to users of such works, as are vested in the commissioner by this act, or by any other provision of State law, except that a local agency, except as provided in P.L.1991, c.8 (C.58:10-10.4 et seq.), may not impose civil administrative penalties, and shall petition the county prosecutor or the Attorney General for a criminal prosecution under that section. Terms and conditions shall include limits for heavy metals, pesticides, organic chemicals and other contaminants in industrial wastewater discharges based upon the attainment of land-based sludge management criteria established by the department in the Statewide Sludge Management Plan adopted pursuant to the "Solid Waste Management Act," P.L.1970, c.39 (C.13:1E-1 et seq.) or established pursuant to the Federal Water Pollution Control Act Amendments of 1972 (33 U.S.C. § 1251 et seq.), or any regulations adopted pursuant thereto.

(2) Of the amount of any penalty assessed and collected pursuant to an action brought by a local agency in accordance with section 10 of P.L.1977, c.74 or section 6 of P.L.1990, c.28 (C.58:10A-10.1), 10% shall be deposited in the "Wastewater Treatment Operators' Training Account," established in accordance with section 13 of P.L.1990, c.28 (C.58:10A-14.5), and used to finance the cost of training operators of municipal treatment works. The remainder shall be used by the local agency solely for enforcement purposes, and for upgrading municipal treatment works.

j. In reviewing permits submitted in compliance with this act and in determining conditions under which such permits may be approved, the commissioner shall encourage the development of comprehensive regional sewerage planning or facilities, which serve the needs of the regional community, conform to the adopted area-wide water quality management plan for that region, and protect the needs of the regional community for water quality, aquifer storage, aquifer recharge, and dry weather based stream flows.

k. No permit may be issued, renewed, or modified by the department or a delegated local agency so as to relax any water quality standard or effluent limitation until the applicant, or permit holder, as the case may be, has paid all fees, penalties or fines due and owing pursuant to P.L.1977, c.74, or has entered into an agreement with the department establishing a payment schedule therefor; except that if a penalty or fine is contested, the applicant or permit holder shall satisfy the provisions of this section by posting financial security as required pursuant to paragraph (5) of subsection d. of section 10 of P.L.1977, c.74 (C.58:10A-10). The provisions of this subsection with respect to penalties or fines shall not apply to a local agency contesting a penalty or fine.

l. Each permitted facility or municipal treatment works, other than one discharging only stormwater or non-contact cooling water, shall be inspected by the department at least once a year; except that each permitted facility discharging into the municipal treatment works of a delegated local agency, other than a facility discharging only stormwater or non-contact cooling water, shall be inspected by the delegated local agency at least once a year. Except as hereinafter provided, an inspection required under this subsection shall be conducted within six months following a permittee's submission of an application for a permit, permit renewal, or, in the case of a new facility or municipal treatment works, issuance of a permit therefor, except that if for any reason, a scheduled inspection cannot be made the inspection shall be rescheduled to be performed within 30 days of the originally scheduled inspection or, in the case of a temporary shutdown, of resumed operation. Exemption of stormwater facilities from the provisions of this subsection shall not apply to any permitted facility or municipal treatment works discharging or receiving stormwater runoff having come into contact with a hazardous discharge site on the federal National Priorities List adopted by the United States Environmental Protection Agency pursuant to the "Comprehensive Environmental Response, Compensation, and Liability Act," Pub.L.96-510 (42 U.S.C.A. § 9601 et seq.), or any other hazardous discharge site included by the department on the master list for hazardous discharge site cleanups adopted pursuant to section 2 of P.L.1982, c.202 (C.58:10-23.16). Inspections shall include:

(1) A representative sampling of the effluent for each permitted facility or municipal treatment works, except that in the case of facilities or works that are not major facilities or significant indirect users, sampling pursuant to this paragraph shall be conducted at least once every three years;

(2) An analysis of all collected samples by a State owned and operated laboratory, or a certified laboratory other than one that has been or is being used by the permittee, or that is directly or indirectly owned, operated or managed by the permittee;

(3) An evaluation of the maintenance record of the permittee's treatment equipment;

(4) An evaluation of the permittee's sampling techniques;

(5) A random check of written summaries of test results, prepared by the certified laboratory providing the test results, for the immediately preceding 12-month period, signed by a responsible official of the certified laboratory, certifying the accuracy of the test results; and

(6) An inspection of the permittee's sample storage facilities and techniques if the sampling is normally performed by the permittee.

The department may inspect a facility required to be inspected by a delegated local agency pursuant to this subsection. Nothing in this subsection shall require the department to conduct more than one inspection per year.

m. The facility or municipal treatment works of a permittee identified as a significant noncomplier shall be subject to an inspection by the department, or the delegated local agency, as the case may be, which inspection shall be in addition to the requirements of subsection l. of this section. The inspection shall be conducted within 60 days of receipt of the discharge monitoring report that initially results in the permittee being identified as a significant noncomplier. The inspection shall include a random check of written summaries of test results, prepared by the certified laboratory providing the test results, for the immediately preceding 12-month period, signed by a responsible official of the certified laboratory, certifying the accuracy of the test results. A copy of each summary shall be maintained by the permittee. The inspection shall be for the purpose of determining compliance. The department or delegated local agency is required to conduct only one inspection per year pursuant to this subsection, and is not required to make an inspection hereunder if an inspection has been made pursuant to subsection l. of this section within six months of the period within which an inspection is required to be conducted under this subsection.

n. To assist the commissioner in assessing a municipal treatment works' NJPDES permit in accordance with paragraph (3) of subsection b. of section 7 of P.L.1977, c.74 (C.58:10A-7), a delegated local agency shall perform a complete analysis that includes a complete priority pollutant analysis of the discharge from, and inflow to, the municipal treatment works. The analysis shall be performed by a delegated local agency as often as the priority pollutant scan is required under the permit, but not less than once a year, and shall be based upon data acquired in the priority pollutant scan and from applicable sludge quality analysis reports. The results of the analysis shall be included in a report to be attached to the annual report required to be submitted to the commissioner by the delegated local agency.

o. Except as otherwise provided in section 3 of P.L.1963, c.73 (C.47:1A-3), any records, reports or other information obtained by the commissioner or a local agency pursuant to this section or section 5 of P.L.1972, c.42 (C.58:11-53), including any correspondence relating thereto, shall be available to the public; however, upon a showing satisfactory to the commissioner by any person that the making public of any record, report or information, or a part thereof, other than effluent data, would divulge methods or processes entitled to protection as trade secrets, the commissioner or local agency shall consider such record, report, or information, or part thereof, to be confidential, and access thereto shall be limited to authorized officers or employees of the department, the local agency, and the federal government.

2. This act shall take effect immediately.

Approved January 22, 1993.

CHAPTER 24

AN ACT permitting the New Jersey Racing Commission to authorize certain alternative systems of wagering and supplementing P.L.1940, c.17 (C.5:5-22 et seq.).

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

C.5:5-63.1 Alternative systems of wagering; pools.

1. a. The New Jersey Racing Commission may, by regulation promulgated pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), authorize a permitholder to conduct a system of wagering in which the bettor selects the winning horse in each of four or more consecutive races designated by the permitholder up to the maximum number of races allowed by the commission. The races in which this system of wagering is to be conducted and the method of distributing the parimutuel pool chosen by the permitholder pursuant to paragraph (1) of subsection c. of this section shall be approved by the commission and shall be clearly specified in the program for the races conducted at a horse race meeting.

b. The parimutuel pool of bettors participating in this form of wagering shall be separate from all other wagering pools on races conducted by the permitholder. Tickets for this form of wagering shall be sold in denominations of not less than $1 and only from machines capable of issuing tickets for the authorized number of races.

c. The pool for distribution to winners of races using this form of wagering shall be distributed as follows:

(1) 100% of the pool shall be paid to the winner or winners of those races each day or, alternatively, 75% of the pool shall be

paid to the winner or winners of those races each day and 25% of the pool shall be paid to the bettor or bettors who selected the next largest number of winning horses in those races;

(2) In the event that there is no winner, 25% of the pool shall be paid to the bettor or bettors who selected the largest number of winning horses in those races and 75% of the pool shall be carried over and added to the pool on the next day that this system of wagering is conducted;

(3) If on the last day on which this system of wagering is conducted at a horse race meeting during a calendar year, no bettor selects the winning horses in those races, the total amount of the pool which exists on that day in connection with those races shall be paid to the bettor or bettors who selected the largest number of winning horses in those races. No part of the pool shall be carried over to the next year's race meeting.

2. This act shall take effect immediately.

Approved January 22, 1993.

CHAPTER 25

AN ACT concerning education requirements for municipal tax collectors and amending and supplementing P.L.1979, c.384.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. Section 2 of P.L.1979, c.384 (C.40A:9-145.2) is amended to read as follows:

C.40A:9-145.2 Certification as tax collector.

2. Commencing on the effective date of this act, the director shall hold examinations semi-annually, and at such other times as he may determine appropriate, for certification as tax collector. An applicant for examination shall furnish proof to the director, not less than 30 days before an examination, that the applicant is not less than 21 years of age, is a citizen of the United States, is of good moral character, has obtained a certificate or diploma issued after at least four years of study in an approved secondary

school or has received an academic education considered and accepted by the Commissioner of Education as fully equivalent; has graduated from a four year course at an institution of higher education of recognized standing, or has not less than two years' full-time experience in tax collection, or has at least one year's full-time experience in tax collection and 30 credit hours at an institution of higher education of recognized standing; and possesses certificates of completion of Municipal Tax Collection I, II, and III courses offered by Rutgers, The State University or the Division of Local Government Services.

For the purpose of this section, experience in tax collection must include experience in the following areas: lien enforcement, tax collecting, tax billing, and reporting, and, shall be attested to by the tax collector of the employing municipality.

The proofs required pursuant to this section shall be provided on such application forms and in such manner as shall be prescribed by the director. Each completed application form shall be accompanied by a fee in the amount of $50 payable to the order of the State Treasurer and shall be filed with the director at least 30 days prior to the date of the examination. Examinations shall be written, or both written and oral, and shall be of such character as fairly to test and determine the qualifications, fitness and ability of the person tested to actually perform the duties of tax collector. An individual who fails the examination three consecutive times shall retake the three required courses, prior to taking the examination again.

2. Section 3 of P.L.1979, c.384 (C.40A:9-145.3) is amended to read as follows:

C.40A:9-145.3 Tax collector certificate; issuance; additional fee.

3. Upon the successful completion of the examination by an applicant, a tax collector certificate shall be issued to him, upon the payment of an additional fee of $50 payable to the order of the State Treasurer.

3. Section 6 of P.L.1979, c.384 (C.40A:9-145.6) is amended to read as follows:

C.40A:9-145.6 Prohibitions.

6. No person shall serve or continue to serve as a tax collector for the municipality in which that person serves as a member of the governing body of the municipality.

4. Section 7 of P.L.1979, c.384 (C.40A:9-145.7) is amended to read as follows:

C.40A:9-145.7 Appointment or reappointment.

7. Commencing on the effective date of P.L.1993, c.25 (C.40A:9-145.3a et al.), no person shall be appointed or reappointed as tax collector in any municipality of this State unless he shall hold a tax collector certificate issued pursuant to N.J.S.40A:9-141, section 2 of P.L.1979, c.384 (C.40A:9-145.2), and section 6 of P.L.1993, c.25 (C.40A:9-145.3a).

5. Section 8 of P.L.1979, c.384 (C.40A:9-145.8) is amended to read as follows:

C.40A:9-145.8 Tenure; removal from office; procedure.

8. Notwithstanding the provisions of any other law to the contrary, any person who:

a. Shall be reappointed tax collector subsequent to having received a tax collector certificate pursuant to section 3 or 4 of P.L.1979, c.384, or holds a tax collector certificate issued pursuant to N.J.S.40A:9-141, section 2 of P.L.1979, c.384 (C.40A:9-145.2), and section 6 of P.L.1993, c.25 (C.40A:9-145.3a), and having served as tax collector or performed the duties of tax collector for not less than four consecutive years immediately prior to such reappointment; or

b. shall have acquired tenure; shall hold his office during good behavior, efficiency, and compliance with requirements for continuing education pursuant to sections 6 and 7 of P.L.1993, c.25 (C.40A:9-145.3a and C.40A:9-145.3b), notwithstanding that such reappointment was for a fixed term of years; and he shall not be removed therefrom for political reasons but only for good cause shown and after a proper hearing before the director or his designee.

c. The removal of a municipal tax collector shall be only upon a written complaint setting forth with specificity the charge or charges against him. The complaint shall be filed with the municipal clerk and the director and a certified copy thereof shall be served upon the person so charged, with notice of a designated hearing date before the director or his designee, which shall be not less than 30 days nor more than 60 days from the date of service of the complaint. Such date may be extended by the Superior Court for good cause shown upon the application of either party. The person so charged and the complainant shall have the right to be represented by counsel and the power to subpena witnesses and documentary evidence together with discovery proceedings. The provisions of this section shall apply to every person actually in office as tax collector or performing the duties of tax collector whether or not in the classified service under Title 11A, Civil Service, of the New Jersey Statutes.

d. For the purposes of this section, the definition of good cause for removal of a tax collector may include the failure of a tax collector to meet the continuing education requirement set forth in sections 6 and 7 of P.L.1993, c.25 (C.40A:9-145.3a and C.40A:9-145.3b).

C.40A:9-145.3a Uncertified tax collector, application for certificate; issuance.

6. Within six months of the effective date of P.L.1993, c.25 (C.40A:9-145.3a et al.), a tax collector who does not hold a tax collector certificate and who has been granted tenure pursuant to the provisions of N.J.S.40A:9-144 or N.J.S.40A:9-145, or who has held office continuously for five consecutive years in the same municipality shall, at no cost, apply to the director on a form approved by the director for a tax collector certificate. Upon verification of the applicant's eligibility under the tenure or service conditions described herein, the director shall issue a tax collector certificate that is marked as being valid only in the municipality employing the tax collector. A tax collector holding such a certificate shall then be subject to all provisions affecting other certificate holders under this act, including but not limited to renewal, continuing education and maintenance of tenure rights.

C.40A:9-145.3b Expiration, renewal of outstanding, lapsed certificates; fee.

7. Commencing on the effective date of P.L.1993, c.25 (C.40A:9-145.3a et al.) all outstanding tax collector certificates shall expire and be renewed in accordance with the following procedure:

a. All tax collector certificates shall be renewed upon application, payment of the required fee, and verification that the applicant has met continuing education requirements, as set forth in subsection c. of this section. Each renewal shall be for a period of two years. The renewal date shall be 30 days prior to the expiration date.

b. All tax collector certificates subject to renewal pursuant to this section issued prior to January 1, 1993 shall have an expiration date of December 31, 1994. All tax collector certificates issued on or after January 1, 1993 shall have an expiration date of either June 30 or December 31, whichever is sooner, of the second year following the year in which the certificates were originally issued, provided that no certificate shall expire sooner than two years from the date of original issue.

c. Prior to the renewal date of a tax collector certificate, every tax collector shall, on a form prescribed by the director, furnish proof of having earned at least 1.5 continuing education units. For the purpose of this section, 1.5 continuing education units equals 15 contact hours with a minimum number of hours, as determined by the director, for each of the following curriculum areas:

Reporting, Billing & Collection
Enforcement Procedures
Legislation
General/Secondary duties

Under verification of this requirement, and upon payment of a fee of $50 to the order of the Treasurer of the State of New Jersey, the director shall renew the tax collector certificate.

d. When the holder of a tax collector certificate has allowed the certificate to lapse by failing to renew the certificate, a new application and certificate shall be required. If application is made within six months of the expiration of the certificate, then application may be made in the same manner as a renewal, but the application shall be accompanied by the fee required for a new application.

C.40A:9-145.3c Regulations, forms, procedures.

8. The director is authorized to adopt, in accordance with the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.) such regulations, forms and procedures as may be necessary to carry out the terms of this act.

9. This act shall take effect on the first day of the fourth month following enactment.

Approved January 22, 1993.

CHAPTER 26

AN ACT concerning the granting of pardon and reprieves and supplementing Title 2C of the New Jersey Statutes.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

C.2A:167-3.1 Report of pardon, reprieve, commutation.

1. On or before March 1 of each year, the Governor shall report to the Legislature each reprieve, pardon and commutation

granted, stating the name of the convicted person, the crime for which the person was convicted, the sentence imposed, its date, the date of the pardon, reprieve or commutation and the reasons for granting same.

2. This act shall take effect immediately.

Approved January 25, 1993.

CHAPTER 27

AN ACT concerning murders commmitted by, or at the direction of, leaders of narcotics trafficking networks, and amending N.J.S.2C:11-3.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. N.J.S.2C:11-3 is amended to read as follows:

Murder.

2C:11-3. Murder. a. Except as provided in N.J.S.2C:11-4 criminal homicide constitutes murder when:

(1) The actor purposely causes death or serious bodily injury resulting in death; or

(2) The actor knowingly causes death or serious bodily injury resulting in death; or

(3) It is committed when the actor, acting either alone or with one or more other persons, is engaged in the commission of, or an attempt to commit, or flight after committing or attempting to commit robbery, sexual assault, arson, burglary, kidnapping or criminal escape, and in the course of such crime or of immediate flight therefrom, any person causes the death of a person other than one of the participants; except that in any prosecution under this subsection, in which the defendant was not the only participant in the underlying crime, it is an affirmative defense that the defendant:

(a) Did not commit the homicidal act or in any way solicit, request, command, importune, cause or aid the commission thereof; and

(b) Was not armed with a deadly weapon, or any instrument, article or substance readily capable of causing death or serious physical injury and of a sort not ordinarily carried in public places by law-abiding persons; and

(c) Had no reasonable ground to believe that any other participant was armed with such a weapon, instrument, article or substance; and

(d) Had no reasonable ground to believe that any other participant intended to engage in conduct likely to result in death or serious physical injury.

b. Murder is a crime of the first degree but a person convicted of murder shall be sentenced, except as provided in subsection c. of this section, by the court to a term of 30 years, during which the person shall not be eligible for parole or to a specific term of years which shall be between 30 years and life imprisonment of which the person shall serve 30 years before being eligible for parole.

c. Any person convicted under subsection a.(1) or (2) who committed the homicidal act by his own conduct; or who as an accomplice procured the commission of the offense by payment or promise of payment of anything of pecuniary value; or who, as a leader of a narcotics trafficking network as defined in N.J.S.2C:35-3 and in furtherance of a conspiracy enumerated in N.J.S.2C:35-3, commanded or by threat or promise solicited the commission of the offense, shall be sentenced as provided hereinafter:

(1) The court shall conduct a separate sentencing proceeding to determine whether the defendant should be sentenced to death or pursuant to the provisions of subsection b. of this section.

Where the defendant has been tried by a jury, the proceeding shall be conducted by the judge who presided at the trial and before the jury which determined the defendant's guilt, except that, for good cause, the court may discharge that jury and conduct the proceeding before a jury empaneled for the purpose of the proceeding. Where the defendant has entered a plea of guilty or has been tried without a jury, the proceeding shall be conducted by the judge who accepted the defendant's plea or who determined the defendant's guilt and before a jury empaneled for the purpose of the proceeding. On motion of the defendant and with consent of the prosecuting attorney the court may conduct a proceeding without a jury. Nothing in this subsection shall be construed to prevent the participation of an alternate juror in the sentencing proceeding if one of the jurors who rendered the guilty verdict becomes ill or is otherwise unable to proceed before or during the sentencing proceeding.

(2)(a) At the proceeding, the State shall have the burden of establishing beyond a reasonable doubt the existence of any aggravating factors set forth in paragraph (4) of this subsection. The defendant shall have the burden of producing evidence of the existence of any mitigating factors set forth in paragraph (5) of this subsection but shall not have a burden with regard to the establishment of a mitigating factor.

(b) The admissibility of evidence offered by the State to establish any of the aggravating factors shall be governed by the rules governing the admission of evidence at criminal trials. The defendant may offer, without regard to the rules governing the admission of evidence at criminal trials, reliable evidence relevant to any of the mitigating factors. If the defendant produces evidence in mitigation which would not be admissible under the rules governing the admission of evidence at criminal trials, the State may rebut that evidence without regard to the rules governing the admission of evidence at criminal trials.

(c) Evidence admitted at the trial, which is relevant to the aggravating and mitigating factors set forth in paragraphs (4) and (5) of this subsection, shall be considered without the necessity of reintroducing that evidence at the sentencing proceeding; provided that the fact finder at the sentencing proceeding was present as either the fact finder or the judge at the trial.

(d) The State and the defendant shall be permitted to rebut any evidence presented by the other party at the sentencing proceeding and to present argument as to the adequacy of the evidence to establish the existence of any aggravating or mitigating factor.

(e) Prior to the commencement of the sentencing proceeding, or at such time as he has knowledge of the existence of an aggravating factor, the prosecuting attorney shall give notice to the defendant of the aggravating factors which he intends to prove in the proceeding.

(f) Evidence offered by the State with regard to the establishment of a prior homicide conviction pursuant to paragraph (4)(a) of this subsection may include the identity and age of the victim, the manner of death and the relationship, if any, of the victim to the defendant.

(3) The jury or, if there is no jury, the court shall return a special verdict setting forth in writing the existence or nonexistence of each of the aggravating and mitigating factors set forth in paragraphs (4) and (5) of this subsection. If any aggravating factor is

found to exist, the verdict shall also state whether it outweighs beyond a reasonable doubt any one or more mitigating factors.

(a) If the jury or the court finds that any aggravating factors exist and that all of the aggravating factors outweigh beyond a reasonable doubt all of the mitigating factors, the court shall sentence the defendant to death.

(b) If the jury or the court finds that no aggravating factors exist, or that all of the aggravating factors which exist do not outweigh all of the mitigating factors, the court shall sentence the defendant pursuant to subsection b.

(c) If the jury is unable to reach a unanimous verdict, the court shall sentence the defendant pursuant to subsection b.

(4) The aggravating factors which may be found by the jury or the court are:

(a) The defendant has been convicted, at any time, of another murder. For purposes of this section, a conviction shall be deemed final when sentence is imposed and may be used as an aggravating factor regardless of whether it is on appeal;

(b) In the commission of the murder, the defendant purposely or knowingly created a grave risk of death to another person in addition to the victim;

(c) The murder was outrageously or wantonly vile, horrible or inhuman in that it involved torture, depravity of mind, or an aggravated assault to the victim;

(d) The defendant committed the murder as consideration for the receipt, or in expectation of the receipt of anything of pecuniary value;

(e) The defendant procured the commission of the offense by payment or promise of payment of anything of pecuniary value;

(f) The murder was committed for the purpose of escaping detection, apprehension, trial, punishment or confinement for another offense committed by the defendant or another;

(g) The offense was committed while the defendant was engaged in the commission of, or an attempt to commit, or flight after committing or attempting to commit murder, robbery, sexual assault, arson, burglary or kidnapping;

(h) The defendant murdered a public servant, as defined in N.J.S.2C:27-1, while the victim was engaged in the performance of his official duties, or because of the victim's status as a public servant; or

(i) The defendant: (i) as a leader of a narcotics trafficking network as defined in N.J.S.2C:35-3 and in furtherance of a conspiracy enumerated in N.J.S.2C:35-3, committed, commanded or by threat or promise solicited the commission of the offense or

(ii) committed the offense at the direction of a leader of a narcotics trafficking network as defined in N.J.S.2C:35-3 in furtherance of a conspiracy enumerated in N.J.S.2C:35-3.

(5) The mitigating factors which may be found by the jury or the court are:

(a) The defendant was under the influence of extreme mental or emotional disturbance insufficient to constitute a defense to prosecution;

(b) The victim solicited, participated in or consented to the conduct which resulted in his death;

(c) The age of the defendant at the time of the murder;

(d) The defendant's capacity to appreciate the wrongfulness of his conduct or to conform his conduct to the requirements of the law was significantly impaired as the result of mental disease or defect or intoxication, but not to a degree sufficient to constitute a defense to prosecution;

(e) The defendant was under unusual and substantial duress insufficient to constitute a defense to prosecution;

(f) The defendant has no significant history of prior criminal activity;

(g) The defendant rendered substantial assistance to the State in the prosecution of another person for the crime of murder; or

(h) Any other factor which is relevant to the defendant's character or record or to the circumstances of the offense.

d. The sentencing proceeding set forth in subsection c. of this section shall not be waived by the prosecuting attorney.

e. Every judgment of conviction which results in a sentence of death under this section shall be appealed, pursuant to the Rules of Court, to the Supreme Court. Upon the request of the defendant, the Supreme Court shall also determine whether the sentence is disproportionate to the penalty imposed in similar cases, considering both the crime and the defendant. Proportionality review under this section shall be limited to a comparison of similar cases in which a sentence of death has been imposed under subsection c. of this section. In any instance in which the defendant fails, or refuses to appeal, the appeal shall be taken by the Office of the Public Defender or other counsel appointed by the Supreme Court for that purpose.

f. Prior to the jury's sentencing deliberations, the trial court shall inform the jury of the sentences which may be imposed pursuant to subsection b. of this section on the defendant if the defendant is not sentenced to death. The jury shall also be informed that a failure to reach a unanimous verdict shall result in sentencing by the court pursuant to subsection b.

g. A juvenile who has been tried as an adult and convicted of murder shall not be sentenced pursuant to the provisions of subsection c. but shall be sentenced pursuant to the provisions of subsection b. of this section.

h. In a sentencing proceeding conducted pursuant to this section, no evidence shall be admissible concerning the method or manner of execution which would be imposed on a defendant sentenced to death.

2. This act shall take effect immediately.

Approved January 26, 1993.

CHAPTER 28

AN ACT concerning the pensions of certain State and county college employees, amending P.L.1961, c.49 and supplementing P.L.1969, c.242 (C.18A:66-167 et seq.).

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. Section 8 of P.L.1961, c.49 (C.52:14-17.32) is amended to read as follows:

C.52:14-17.32 Health benefits for retirees.

8. a. The basic coverage and the major medical coverage of any employee, and of his dependents, if any, shall cease upon the discontinuance of his term of office or employment or upon cessation of active full-time employment subject to such regulations as may be prescribed by the commission for limited continuance of basic coverage and major medical coverage during disability, part-time employment, leave of absence or lay off, and for continuance of basic coverage and major medical coverage after retirement, any such continuance after retirement to be provided at such rates and under such conditions as shall be prescribed by the commission, subject, however, to the requirements hereinafter set forth in this section. The commission may also establish regulations prescribing an extension of coverage when an employee or dependent is totally disabled at termination of coverage.

b. Rates payable by retired employees for themselves and their dependents, by active employees for dependents covered by medicare benefits, and by the State or other employer for an active employee alone covered by medicare benefits, shall be determined on the basis of utilization experience according to classifications determined by the commission, provided, however, that the total rate payable by such retired employee for himself and his dependents, or by such active employee for his dependents and the State or other employer for such active employee alone, for coverage hereunder and for Part B of medicare, shall not exceed by more than 25%, as determined by the commission, the total amount which would have been required to have been paid by him and by the State or other employer for the coverage maintained had he continued in office or active employment and he and his dependents were not eligible for medicare benefits. "Medicare" as used in this act means the coverage provided under Title XVIII of the Social Security Act as amended in 1965, or its successor plan or plans.

c. (1) From funds appropriated therefor, the State shall pay the premium or periodic charges for the benefits provided to a retired State employee and his dependents covered under the program, but not including survivors, if such employee retired from a State-administered retirement system on a benefit based on 25 years or more of service credited in such retirement system, excepting the employee who elected deferred retirement, but including the employee who retired on a disability pension based on fewer years of service credited in such retirement system and shall also reimburse such retired employee for his premium charges under Part B of the federal medicare program covering the retired employee and the employee's spouse. In the case of full-time employees of the Rutgers University Cooperative Extension Service, service credited in the federal Civil Service Retirement System (5 U.S.C. §8331 et seq.) which was earned as a result of full-time employment at Rutgers University, may be considered alone or in combination with service credited in a State-administered retirement system for the purposes of establishing the minimum 25-year service requirement to qualify for the benefits provided in this section. Any full-time employee of the Rutgers University Cooperative Extension Service who meets the eligibility requirements set forth in this amendatory act shall be eligible for the benefits provided in this section, provided that at the time of retirement such employee was covered by the State Health Benefits Program and elected to continue such coverage into retirement.

(2) Notwithstanding the provisions of this section to the contrary, from funds appropriated therefor, the State shall pay the premium or periodic charges for the benefits provided to a retired State employee and his dependents covered under the program, but not including survivors, if: (a) the employee retires on or after

the effective date of this 1987 amendatory act; (b) the employee was employed by Rutgers University prior to January 2, 1955 and remained in continuous service with Rutgers University until retirement even though the employee (i) did not join a State-administered retirement system, or, (ii) became a member of a State-administered retirement system, but accumulated less than 25 years of credited service; and (c) the employee is covered by the program at the time of retirement.

(3) Notwithstanding the provisions of this section to the contrary, in the case of an employee of a State college, as described in chapter 64 of Title 18A of the New Jersey Statutes, or of a county college, as defined in N.J.S.18A:64A-1, service credited in a private defined contribution retirement plan which was earned as an employee of an auxiliary organization, as defined in section 2 of P.L.1982, c.16 (C.18A:64-27), at a State or county college shall be considered in combination with service credited in a State-administered retirement system for the purposes of establishing the minimum 25-year service requirement to qualify for the benefits provided in this section, provided that the employee is covered by the program at the time of retirement.

C.18A:66-170.4 Former employee of auxiliary organization may participate in alternate benefit program.

2. Notwithstanding the provisions of any law to the contrary, any employee of an auxiliary organization, as defined in section 2 of P.L.1982, c.16 (C.18A:64-27), at a State or county college who has service credited in a private defined contribution retirement plan and who, without a break in service, becomes an employee of the State or county college may participate in the alternate benefit program if the employee enrolls in the program within 10 days from the effective date of this act or within 10 days from commencement of employment, whichever date is later.

3. This act shall take effect immediately.

Approved January 27, 1993.

CHAPTER 29

AN ACT concerning wiretapping and electronic surveillance, amending and supplementing P.L.1968, c.409.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. Section 2 of P.L.1968, c.409 (C.2A:156A-2) is amended to read as follows:

C.2A:156A-2 Definitions.

2. As used in this act:

a. "Wire communication" means any aural transfer made in whole or in part through the use of facilities for the transmission of communications by the aid of wire, cable or other like connection between the point of origin and the point of reception, including the use of such connection in a switching station, furnished or operated by any person engaged in providing or operating such facilities for the transmission of intrastate, interstate or foreign communication. "Wire communication" includes any electronic storage of such communication, and the radio portion of a cordless telephone communication that is transmitted between the cordless telephone handset and the base unit;

b. "Oral communication" means any oral communication uttered by a person exhibiting an expectation that such communication is not subject to interception under circumstances justifying such expectation, but does not include any electronic communication;

c. "Intercept" means the aural or other acquisition of the contents of any wire, electronic or oral communication through the use of any electronic, mechanical, or other device;

d. "Electronic, mechanical or other device" means any device or apparatus, including an induction coil, that can be used to intercept a wire, electronic or oral communication other than:

(1) Any telephone or telegraph instrument, equipment or facility, or any component thereof, furnished to the subscriber or user by a provider of wire or electronic communication service in the ordinary course of its business and being used by the subscriber or user in the ordinary course of its business; or furnished by such subscriber or user for connection to the facilities of such service and used in the ordinary course of its business; or being used by a provider of wire or electronic communication service in the ordinary course of its business, or by an investigative or law enforcement officer in the ordinary course of his duties; or

(2) A hearing aid or similar device being used to correct subnormal hearing to not better than normal;

e. "Person" means that term as defined in R.S.1:1-2 and includes any officer or employee of the State or of a political subdivision thereof;

f. "Investigative or law enforcement officer" means any officer of the State of New Jersey or of a political subdivision thereof who is empowered by law to conduct investigations of, or to make arrests for, any offense enumerated in section 8 of P.L.1968, c.409 (C.2A:156A-8) and any attorney authorized by law to prosecute or participate in the prosecution of any such offense;

g. "Contents," when used with respect to any wire, electronic or oral communication, includes any information concerning the identity of the parties to such communication or the existence, substance, purport, or meaning of that communication, except that for purposes of sections 22, 23, 24 and 26 of P.L.1993, c.29 (C.2A:156A-28, C.2A:156A-29, C.2A:156A-30, and C.2A:156A-32) contents, when used with respect to any wire, electronic, or oral communication means any information concerning the substance, purport or meaning of that communication;

h. "Court of competent jurisdiction" means the Superior Court;

i. "Judge," when referring to a judge authorized to receive applications for, and to enter, orders authorizing interceptions of wire, electronic or oral communications, means one of the several judges of the Superior Court to be designated from time to time by the Chief Justice of the Supreme Court to receive applications for, and to enter, orders authorizing interceptions of wire, electronic or oral communications pursuant to this act;

j. "Communication common carrier" means any person engaged as a common carrier for hire, in intrastate, interstate or foreign communication by wire or radio or in intrastate, interstate or foreign radio transmission of energy; but a person engaged in radio broadcasting shall not, while so engaged, be deemed a common carrier;

k. "Aggrieved person" means a person who was a party to any intercepted wire, electronic or oral communication or a person against whom the interception was directed;

l. "In-progress trace" means the determination of the origin of a telephonic communication to a known telephone during the communication;

m. "Electronic communication" means any transfer of signs, signals, writing, images, sounds, data, or intelligence of any nature transmitted in whole or in part by a wire, radio, electromagnetic, photoelectric or photo-optical system that affects interstate, intrastate or foreign commerce, but does not include:

(1) Any wire or oral communication;

(2) Any communication made through a tone-only paging device; or

(3) Any communication from a tracking device;

n. "User" means any person or entity who:

(1) Uses an electronic communication service; and

(2) Is duly authorized by the provider of such service to engage in such use;

o. "Electronic communication system" means any wire, radio, electromagnetic, photo-optical or photoelectronic facilities for the transmission of electronic communications, and any computer facilities or related electronic equipment for the electronic storage of such communications;

p. "Electronic communication service" means any service which provides to the users thereof the ability to send or receive wire or electronic communications;

q. "Electronic storage" means:

(1) Any temporary, intermediate storage of a wire or electronic communication incidental to the electronic transmission thereof; and

(2) Any storage of such communication by an electronic communication service for purpose of backup protection of the communication;

r. "Readily accessible to the general public" means, with respect to a radio communication, that such communication is not:

(1) Scrambled or encrypted;

(2) Transmitted using modulation techniques whose essential parameters have been withheld from the public with the intention of preserving the privacy of such communication;

(3) Carried on a subcarrier or other signal subsidiary to a radio transmission;

(4) Transmitted over a communication system provided by a common carrier, unless the communication is a tone-only paging system communication; or

(5) Transmitted on frequencies allocated under part 25, subpart D, E, or F of part 74, or part 94 of the Rules of the Federal Communications Commission, unless, in the case of a communication transmitted on a frequency allocated under part 74 that is not exclusively allocated to broadcast auxiliary services, the communication is a two-way voice communication by radio;

s. "Remote computing service" means the provision to the public of computer storage or processing services by means of an electronic communication system;

t. "Aural transfer" means a transfer containing the human voice at any point between and including the point of origin and the point of reception;

u. "Tracking device" means an electronic or mechanical device which permits the tracking of the movement of a person or device.

2. Section 3 of P.L.1968, c.409 (C.2A:156A-3) is amended to read as follows:

C.2A:156A-3 Interception, disclosure, use of wire, electronic, oral communication; violation.

3. Except as otherwise specifically provided in this act, any person who:

a. Purposely intercepts, endeavors to intercept, or procures any other person to intercept or endeavor to intercept any wire, electronic or oral communication; or

b. Purposely discloses or endeavors to disclose to any other person the contents of any wire, electronic or oral communication, or evidence derived therefrom, knowing or having reason to know that the information was obtained through the interception of a wire, electronic or oral communication; or

c. Purposely uses or endeavors to use the contents of any wire, electronic or oral communication, or evidence derived therefrom, knowing or having reason to know, that the information was obtained through the interception of a wire, electronic or oral communication;

shall be guilty of a crime of the third degree. Subsections b. and c. of this section shall not apply to the contents of any wire, electronic or oral communication, or evidence derived therefrom, that has become common knowledge or public information.

3. Section 4 of P.L.1968, c.409 (C.2A:156A-4) is amended to read as follows:

C.2A:156A-4 Lawful interception activities; exceptions.

4. It shall not be unlawful under this act for:

a. An operator of a switchboard, or an officer, agent or employee of a provider of wire or electronic communication service, whose facilities are used in the transmission of a wire or electronic communication, to intercept, disclose or use that communication in the normal course of his employment while engaged in any activity which is a necessary incident to the rendition of his service or to the protection of the rights or property of the provider of that service. No provider of wire or electronic communication service shall utilize service observing or random monitoring except for mechanical or service quality control checks;

b. Any investigative or law enforcement officer to intercept a wire, electronic or oral communication, where such officer is a party to the communication or where another officer who is a party to the communication requests or requires him to make such interception;

c. Any person acting at the direction of an investigative or law enforcement officer to intercept a wire, electronic or oral communication, where such person is a party to the communication or one of the parties to the communication has given prior consent to such interception; provided, however, that no such interception shall be made unless the Attorney General or his designee or a county prosecutor within his authority determines that there exists a reasonable suspicion that evidence of criminal conduct will be derived from such interception;

d. A person not acting under color of law to intercept a wire, electronic or oral communication, where such person is a party to the communication or one of the parties to the communication has given prior consent to such interception unless such communication is intercepted or used for the purpose of committing any criminal or tortious act in violation of the Constitution or laws of the United States or of this State or for the purpose of committing any other injurious act. The fact that such person is the subscriber to a particular telephone does not constitute consent effective to authorize interception of communications among parties not including such person on that telephone. Any person who unlawfully intercepts or uses such communication as provided in this paragraph shall be subject to the civil liability established in section 24 of P.L.1968, c.409 (C.2A:156A-24), in addition to any other criminal or civil liability imposed by law;

e. Any person to intercept or access an electronic communication made through an electronic communication system that is configured so that such electronic communication is readily accessible to the general public;

f. Any person to intercept any radio communication which is transmitted:

(1) by any station for the use of the general public, or that relates to ships, aircraft, vehicles, or persons in distress;

(2) by any governmental, law enforcement, civil defense, private land mobile, or public safety communication system, including police and fire, readily accessible to the general public;

(3) by a station operating on an authorized frequency within the bands allocated to the amateur, citizens band, or general mobile radio services; or

(4) by any marine or aeronautical communications system;

g. Any person to engage in any conduct which:

(1) is prohibited by section 633 of the Communications Act of 1934; or

(2) is excepted from the application of section 705(a) of the Communications Act of 1934 by section 705(b) of that Act;

h. Any person to intercept any wire or electronic communication the transmission of which is causing harmful interference to any lawfully operating station or consumer electronic equipment, to the extent necessary to identify the source of such interference; or for other users of the same frequency to intercept any radio communication made through a system that utilizes frequencies monitored by individuals engaged in the provision or the use of such system, if such communication is not scrambled or encrypted; or

i. A provider of wire or electronic communication service to record the fact that a wire or electronic communication was initiated or completed in order to protect such provider, another provider furnishing service toward the completion of the wire or electronic communication, or a user of that service, from fraudulent, unlawful or abusive use of such service.

4. Section 5 of P.L.1968, c.409 (C.2A:156A-5) is amended to read as follows:

C.2A:156A-5 Possession, sale, distribution, manufacture, or advertisement of intercepting devices; violation.

5. Except as otherwise specifically provided in section 6 of P.L.1968, c.409 (C.2A:156A-6), any person who:

a. Purposely possesses an electronic, mechanical or other device, knowing or having reason to know that the design of such device renders it primarily useful for the purpose of the surreptitious interception of a wire, electronic or oral communication;

b. Purposely sells an electronic, mechanical or other device, knowing or having reason to know that the design of such device renders it primarily useful for the purpose of the surreptitious interception of a wire, electronic or oral communication;

c. Purposely distributes an electronic, mechanical or other device, knowing or having reason to know that the design of such device renders it primarily useful for the purpose of the surreptitious interception of a wire, electronic or oral communication;

d. Purposely manufactures or assembles an electronic, mechanical or other device, knowing or having reason to know that the design of such device renders it primarily useful for the purpose of the surreptitious interception of a wire, electronic or oral communication; or

e. Purposely places in any newspaper, magazine, handbill, or other publication any advertisement of any electronic, mechanical or other device, knowing or having reason to know that the design of such device renders it primarily useful for the purpose of the surreptitious interception of a wire, electronic or oral communication or of any electronic, mechanical or other device where such advertisement promotes the use of such device for the purpose of the surreptitious interception of a wire, electronic or oral communication;

shall be guilty of a crime of the third degree.

5. Section 6 of P.L.1968, c.409 (C.2A:156A-6) is amended to read as follows:

C.2A:156A-6 Lawful activities concerning devices.

6. It shall not be unlawful under this act for:

a. A provider of wire or electronic communication service, or an officer, agent or employee of, or a person under contract with such a provider of wire or electronic communication service in the normal course of the business of providing that wire or electronic communication service; or

b. A person under contract with the United States, a state or a political subdivision thereof, or an officer, agent or employee of a state or a political subdivision thereof;

to possess, sell, distribute, manufacture or assemble any electronic, mechanical or other device, while acting in furtherance of the appropriate activities of the United States, a state or a political subdivision thereof or a provider of wire or electronic communication service.

6. Section 7 of P.L.1968, c.409 (C.2A:156A-7) is amended to read as follows:

C.2A:156A-7 Seizure, forfeiture of unlawful device.

7. Any electronic, mechanical or other device possessed, used, sent, distributed, manufactured, or assembled in violation of this act may be seized and forfeited to the State pursuant to chapter 64 of Title 2C of the New Jersey Statutes.

7. Section 8 of P.L.1968, c.409 (C.2A:156A-8) is amended to read as follows:

C.2A:156A-8 Authorization for application for order to intercept communications.

8. The Attorney General, county prosecutor or a person designated to act for such an official and to perform his duties in and during his actual absence or disability, may authorize, in writing, an ex parte application to a judge designated to receive the same for an order authorizing the interception of a wire, or electronic or oral communication by the investigative or law enforcement officers or agency having responsibility for an investigation when such interception may provide evidence of the commission of the offense of murder, kidnapping, gambling, robbery, bribery, a violation of paragraph (1) or (2) of subsection b. of N.J.S.2C:12-1, a violation of N.J.S.2C:21-19 punishable by imprisonment for more than one year, terroristic threats, violations of N.J.S.2C:35-3, N.J.S.2C:35-4 and N.J.S.2C:35-5, violations of sections 112 through 116, inclusive, of the "Casino Control Act," P.L.1977, c.110 (C.5:12-112 through 5:12-116), arson, burglary, theft and related offenses punishable by imprisonment for more than one year, escape, forgery, alteration of motor vehicle identification numbers, unlawful manufacture, purchase, use, or transfer of firearms, unlawful possession or use of destructive devices or explosives, racketeering or a violation of subsection g. of N.J.S.2C:5-2, leader of organized crime, organized criminal activity directed toward the unlawful transportation, storage, disposal, discharge, release, abandonment or disposition of any harmful, hazardous, toxic, destructive, or polluting substance, violations of subsection b. of N.J.S.2C:24-4 or any conspiracy to commit any of the foregoing offenses or which may provide evidence aiding in the apprehension of the perpetrator or perpetrators of any of the foregoing offenses.

8. Section 9 of P.L.1968, c.409 (C.2A:156A-9) is amended to read as follows:

C.2A:156A-9 Contents of application.

9. Each application for an order of authorization to intercept a wire, electronic or oral communication shall be made in writing upon oath or affirmation and shall state:

a. The authority of the applicant to make such application;

b. The identity and qualifications of the investigative or law enforcement officers or agency for whom the authority to intercept a wire, electronic or oral communication is sought and the identity of whoever authorized the application.

c. A particular statement of the facts relied upon by the applicant, including: (1) The identity of the particular person, if known, committing the offense and whose communications are to be intercepted; (2) The details as to the particular offense that has been, is being, or is about to be committed; (3) The particular type of communication to be intercepted; and a showing that there is probable cause to believe that such communication will be communicated on the wire or electronic communication facilities involved or at the particular place where the oral communication is to be intercepted; (4) Except as provided in subsection g. of this section, the character and location of the particular wire or electronic communication facilities involved or the particular place where the oral communication is to be intercepted; (5) A statement of the period of time for which the interception is required to be maintained; if the character of the investigation is such that the authorization for interception should not automatically terminate when the described type of communication has been first obtained, a particular statement of facts establishing probable cause to believe that additional communications of the same type will occur thereafter; (6) A particular statement of facts showing that other normal investigative procedures with respect to the offense have been tried and have failed or reasonably appear to be unlikely to succeed if tried or to be too dangerous to employ;

d. Where the application is for the renewal or extension of an order, a particular statement of facts showing the results thus far obtained from the interception, or a reasonable explanation of the failure to obtain such results;

e. A complete statement of the facts concerning all previous applications, known to the individual authorizing and to the individual making the application, made to any court for authorization to intercept a wire, electronic or oral communication involving any of the same facilities or places specified in the application or involving any person whose communication is to be intercepted, and the action taken by the court on each such application;

f. Such additional testimony or documentary evidence in support of the application as the judge may require; and

g. An application need not meet the requirements of paragraph (4) of subsection c. of this section if:

(1) with respect to the application for an interception of an oral communication:

(a) the application is approved by the Attorney General or county prosecutor or a person designated to act for such an official and to perform his duties in and during his actual absence or disability; and

(b) the application contains a full and complete statement as to why specification is not practical and identifies the person committing the offense and whose communications are to be intercepted; and

(c) the judge finds that such specification is not practical.

(2) with respect to the application for an interception of a wire or electronic communication:

(a) the application is approved by the Attorney General or county prosecutor or a person designated to act for such an official and to perform his duties in and during his actual absence or disability; and

(b) the application identifies the person believed to be committing the offense and whose communications are to be intercepted and the applicant makes a showing of a purpose, on the part of that person, to thwart interception by changing facilities; and

(c) the judge finds that such purpose has been adequately shown.

An interception of a communication under an order issued in conformity with this subsection shall not begin until the facilities from which, or the place where, the communication is to be intercepted is ascertained by the person implementing the interception order. A provider of wire or electronic communication service that has received an order as provided for in this subsection may make a motion that the court modify or quash the order on the ground that the provider's assistance with respect to the interception cannot be performed in a timely or reasonable fashion. The court upon notice to the Attorney General or county prosecutor shall decide such a motion expeditiously.

9. Section 10 of P.L.1968, c.409 (C.2A:156A-10) is amended to read as follows:

C.2A:156A-10 Consideration of application; basis of order.

10. Upon consideration of an application, the judge may enter an ex parte order, as requested or as modified, authorizing the interception of a wire, electronic or oral communication, if the court determines on the basis of the facts submitted by the applicant that there is or was probable cause for belief that:

a. The person whose communication is to be intercepted is engaging or was engaged over a period of time as a part of a continuing criminal activity or is committing, has or had committed or is about to commit an offense as provided in section 8 of P.L.1968, c.409 (C.2A:156A-8);

b. Particular communications concerning such offense may be obtained through such interception;

c. Normal investigative procedures with respect to such offense have been tried and have failed or reasonably appear to be unlikely to succeed if tried or to be too dangerous to employ;

d. Except in the case of an application meeting the requirements of subsection g. of section 9 of P.L.1968, c.409 (C.2A:156A-9), the facilities from which, or the place where, the wire, electronic or oral communications are to be intercepted, are or have been used, or are about to be used, in connection with the commission of such offense, or are leased to, listed in the name of, or commonly used by, such individual;

e. The investigative or law enforcement officers or agency to be authorized to intercept the wire, electronic or oral communication are qualified by training and experience to execute the interception sought; and

f. In the case of an application, other than a renewal or extension, for an order to intercept a communication of a person or on a facility which was the subject of a previous order authorizing interception, the application is based upon new evidence or information different from and in addition to the evidence or information offered to support the prior order, regardless of whether such evidence was derived from prior interceptions or from other sources.

As part of the consideration of an application in which there is no corroborative evidence offered, the judge shall inquire in camera as to the identity of any informants or any other additional information concerning the basis upon which the investigative or law enforcement officer or agency has applied for the order of authorization which the judge finds relevant in order to determine if there is probable cause pursuant to this section.

10. Section 11 of P.L.1968, c.409 (C.2A:156A-11) is amended to read as follows:

C.2A:156A-11 Orders affecting public and certain private communication facilities; privileged communications.

11. If the facilities from which a wire or electronic communication is to be intercepted are public, no order shall be issued unless the court, in addition to the matters provided in section 10 of P.L.1968, c.409 (C.2A:156A-10), determines that there is a special need to intercept wire or electronic communications over such facilities.

If the facilities from which, or the place where, the wire, electronic or oral communications are to be intercepted are being used, or are about to be used, or are leased to, listed in the name of, or commonly used by, a licensed physician, a licensed practicing psychologist, an attorney-at-law, a practicing clergyman, or a newspaperman, or is a place used primarily for habitation by a husband and wife, no order shall be issued unless the court, in addition to the matters provided in section 10 of P.L.1968, c.409 (C.2A:156A-10), determines that there is a special need to intercept wire, electronic or oral communications over such facilities or in such places. Special need as used in this section shall require in addition to the matters required by section 10 of P.L.1968, c.409 (C.2A:156A-10), a showing that the licensed physician, licensed practicing psychologist, attorney-at-law, practicing clergyman or newspaperman is personally engaging in or was engaged in over a period of time as a part of a continuing criminal activity or is committing, has or had committed or is about to commit an offense as provided in section 8 of P.L.1968, c.409 (C.2A:156A-8) or that the public facilities or the place used primarily for habitation by a husband and wife are being regularly used by someone who is personally engaging in or was engaged in over a period of time as a part of a continuing criminal activity or is committing, has or had committed or is about to commit such an offense. No otherwise privileged wire, electronic or oral communication intercepted in accordance with, or in violation of, the provisions of this act, shall lose its privileged character.

11. Section 12 of P.L.1968, c.409 (C.2A:156A-12) is amended to read as follows:

C.2A:156A-12 Order; contents; limitations; extensions; renewals; progress reports; assistance of providers.

12. Each order authorizing the interception of any wire, electronic or oral communication shall state:

a. The judge is authorized to issue the order;

b. The identity of, or a particular description of, the person, if known, whose communications are to be intercepted;

c. The character and location of the particular communication facilities as to which, or the particular place of the communication as to which, authority to intercept is granted, or, in the case of an application meeting the requirements of subsection g. of section 9 of P.L.1968, c.409 (C.2A:156A-9) that specification is not practical or that the purpose to thwart interception by changing facilities has been shown;

d. A particular description of the type of the communication to be intercepted and a statement of the particular offense to which it relates;

e. The identity of the investigative or law enforcement officers or agency to whom the authority to intercept a wire, electronic or oral communication is given and the identity of whoever authorized the application; and

f. The period of time during which such interception is authorized, including a statement as to whether or not the interception shall automatically terminate when the described communication has been first obtained.

No order entered under this section shall authorize the interception of any wire, electronic or oral communication for a period of time in excess of that necessary under the circumstances. Every order entered under this section shall require that such interception begin and terminate as soon as practicable and be conducted in such a manner as to minimize or eliminate the interception of such communications not otherwise subject to interception under this act by making reasonable efforts, whenever possible, to reduce the hours of interception authorized by said order. Except as provided below in subsection g. of this section, no order entered under this section shall authorize the interception of wire, electronic or oral communications for any period exceeding 20 days. Extensions or renewals of such an order may be granted for two additional periods of not more than 10 days. No extension or renewal shall be granted unless an application for it is made in accordance with this section, and the court makes the findings required by sections 10 and 11 of P.L.1968, c.409 (C.2A:156A-10 and 2A:156A-11) and by this section.

g. Orders entered under this section to provide evidence of racketeering in violation of N.J.S.2C:41-2, leader of organized crime in violation of subsection g. of N.J.S.2C:5-2, or leader of narcotics trafficking network in violation of N.J.S.2C:35-3, may authorize the interception of wire, electronic or oral communications for a period not to exceed 30 days and extensions or renewals of any order may be granted for additional periods of not more than 30 days, without limitation on the number of extension or renewal orders; provided, however, that orders authorized pursuant to this subsection shall not exceed six months.

h. Whenever an order authorizing an interception is entered, the order may require reports to be made to the judge who issued the order showing what progress has been made toward achievement of the authorized objective and the need for continued interception. Such reports shall be made at such intervals as the court may require.

An order authorizing the interception of a wire, electronic or oral communication shall, upon request of the applicant, direct that a provider of wire or electronic communication service shall furnish the applicant forthwith all information, facilities and technical assistance necessary to accomplish the interception unobtrusively and with a minimum of interference with the services that such provider is affording the person whose communications are to be intercepted.

The obligation of a provider of wire or electronic communication service under such an order shall include but is not limited to conducting an in-progress trace during an interception and shall also include the provision of technical assistance and equipment and utilization of any technological features which are available to the provider of wire or electronic communication service. The obligation of the provider of wire or electronic communication service to conduct an in-progress trace and provide other technical assistance may arise pursuant to court order based upon probable cause, under circumstances not involving an interception pursuant to this act. Any provider of wire or electronic communication service furnishing such facilities or assistance shall be compensated therefor by the applicant at the prevailing rates. Said provider shall be immune from civil liability for any assistance rendered to the applicant pursuant to this section.

12. Section 13 of P.L.1968, c.409 (C.2A:156A-13) is amended to read as follows:

C.2A:156A-13 Verbal approval for emergency interception.

13. Whenever, upon informal application by an authorized applicant, a judge determines there are grounds upon which an order could be issued pursuant to this act, and that an emergency situation exists that involves: a. the investigation of conspiratorial activities of organized crime, related to an offense designated in section 8 of P.L.1968, c.409 (C.2A:156A-8); or b. immediate danger of death or serious bodily injury to any person, dictating authorization for immediate interception of wire, electronic or oral communication before an application for an order could with due diligence be submitted to him and acted upon, the judge may grant verbal approval for such interception without an order, conditioned upon the filing with him, within 48 hours thereafter, of an application for an order which, if granted, shall recite the verbal approval and be retroactive to the time of such verbal

approval. Such interception shall immediately terminate when the communication sought is obtained or when the application for an order is denied. In the event no application for an order is made, the content of any wire, electronic or oral communication intercepted shall be treated as having been obtained in violation of this act.

In the event no application is made or an application made pursuant to this section is denied, the court shall require the wire, tape or other recording of the intercepted communication to be delivered to, and sealed by, the court and such evidence shall be retained by the court in accordance with section 14 of P.L.1968, c.409 (C.2A:156A-14) and the same shall not be used or disclosed in any legal proceeding except in a civil action brought by an aggrieved person pursuant to section 24 of P.L.1968, c.409 (C.2A:156A-24) or as otherwise authorized by court order. Failure to effect delivery of any such wire, tape or other recording shall be punishable as contempt by the court directing such delivery. Evidence of verbal authorization to intercept an oral, electronic or wire communication shall be a defense to any charge against the investigating or law enforcement officer for engaging in unlawful interception.

13. Section 14 of P.L.1968, c.409 (C.2A:156A-14) is amended to read as follows:

C.2A:156A-14 Recording, transfer, custody of tapes.

14. Any wire, electronic or oral communication intercepted in accordance with this act shall, if practicable, be recorded by tape, wire or other comparable method. The recording shall be done in such a way as will protect it from editing or other alteration. Immediately upon the expiration of the order or extensions or renewals thereof, the tapes, wires or other recordings shall be transferred to the judge issuing the order and sealed under his direction. Custody of the tapes, wires or other recordings shall be maintained wherever the court directs. They shall not be destroyed except upon an order of such court and in any event shall be kept for 10 years. Duplicate tapes, wires or other recordings may be made for disclosure or use pursuant to subsection a. of section 17 of P.L.1968, c.409 (C.2A:156A-17). The presence of the seal provided by this section, or a satisfactory explanation for its absence, shall be a prerequisite for the disclosure of the contents of any wire, electronic or oral communication, or evidence derived therefrom, under subsection b. of section 17 of P.L.1968, c.409 (C.2A:156A-17).

14. Section 16 of P.L.1968, c.409 (C.2A:156A-16) is amended to read as follows:

C.2A:156A-16 Service, contents of inventory.

16. Within a reasonable time but not later than 90 days after the termination of the period of the order or of extensions or renewals thereof, or the date of the denial of an order applied for under section 13 of P.L.1968, c.409 (C.2A:156A-13), the issuing or denying judge shall cause to be served on the persons named in the order or application, persons arrested as a result of the interception of their conversations, persons indicted as a result of the interception of their conversations, persons whose conversations were intercepted and against whom indictments are likely to be returned, persons whose conversations were intercepted and who are potential witnesses to criminal activities, and such other parties to the intercepted communications as the judge may in his discretion determine to be in the interest of justice, an inventory which shall include:

a. Notice of the entry of the order or the application for an order denied under section 13 of P.L.1968, c.409 (C.2A:156A-13);

b. The date of the entry of the order or the denial of an order applied for under section 13 of P.L.1968, c.409 (C.2A:156A-13);

c. The period of authorized or disapproved interception; and

d. The fact that during the period wire, electronic or oral communications were or were not intercepted.

The court, upon filing of a motion, may in its discretion make available to such persons or their attorneys for inspection such portions of the intercepted communications, applications and orders as the court determines to be in the interest of justice. On an ex parte showing of good cause to the court the serving of the inventories required by this section may be postponed.

15. Section 17 of P.L.1968, c.409 (C.2A:156A-17) is amended to read as follows:

C.2A:156A-17 Disclosure of intercepted communications.

17. a. Any investigative or law enforcement officer or other person who, by any means authorized by this act, has obtained knowledge of the contents of any wire, electronic or oral communication, or evidence derived therefrom, may disclose or use such contents or evidence to investigative or law enforcement officers of this or another state, any of its political subdivisions, or of the United States to the extent that such disclosure or use is appropriate to the proper performance of the official duties of the officer making or receiving the disclosure.

b. Any person who, by any means authorized by this act, has obtained any information concerning any wire, electronic or oral communication or evidence derived therefrom intercepted in accordance with the provisions of this act, may disclose the contents of such communications or derivative evidence while giving testimony under oath or affirmation in any criminal proceeding in any court of this or another state or of the United States or before any federal or State grand jury; provided, however, that the contents of any wire, electronic or oral communication may be initially disclosed solely through the use of the testimony of a witness to such communication or the actual recording of the communication.

c. The contents of any intercepted wire, electronic or oral communication, or evidence derived therefrom, may otherwise be disclosed or used only upon a showing of good cause before a court of competent jurisdiction.

16. Section 18 of P.L.1968, c.409 (C.2A:156A-18) is amended to read as follows:

C.2A:156A-18 Disclosure of intercepted communications relating to other offenses.

18. When an investigative or law enforcement officer, while engaged in intercepting wire, electronic or oral communications in the manner authorized herein, intercepts wire, electronic or oral communications relating to offenses other than those specified in the order of authorization, the contents thereof, and evidence derived therefrom, may be disclosed or used as provided in subsection a. of section 17 of P.L.1968, c.409 (C.2A:156A-17). Such contents and any evidence derived therefrom may be used under subsection b. of section 17 of P.L.1968, c.409 (C.2A:156A-17) when authorized or approved by a judge of competent jurisdiction where such judge finds on subsequent application that the contents were otherwise intercepted in accordance with the provisions of this act. Such application shall be made as soon as practicable.

17. Section 19 of P.L.1968, c.409 (C.2A:156A-19) is amended to read as follows:

C.2A:156A-19 Unlawful use, disclosure, third degree crime.

19. Except as specifically authorized pursuant to this act any person who knowingly uses or discloses the existence of an order authorizing interception of a wire, electronic or oral communication or the contents of, or information concerning, an intercepted

wire, electronic or oral communication or evidence derived therefrom, is guilty of a crime of the third degree.

18. Section 20 of P.L.1968, c.409 (C.2A:156A-20) is amended to read as follows:

C.2A:156A-20 Disclosure of contents of intercepted communications at trial, hearing, proceeding.

20. The contents of any wire, electronic or oral communication intercepted in accordance with the provisions of this act, or evidence derived therefrom, shall not be disclosed in any trial, hearing, or proceeding before any court of this State unless not less than 10 days before the trial, hearing, or proceeding the parties to the action have been served with a copy of the order and accompanying application under which the interception was authorized.

The service of inventory, order, and application required by this section may be waived by the court where it finds that the service is not practicable and that the parties will not be prejudiced by the failure to make the service.

19. Section 21 of P.L.1968, c.409 (C.2A:156A-21) is amended to read as follows:

C.2A:156A-21 Action to suppress contents of intercepted communications.

21. Any aggrieved person in any trial, hearing, or proceeding in or before any court or other authority of this State may move to suppress the contents of any intercepted wire, electronic or oral communication, or evidence derived therefrom, on the grounds that:

a. The communication was unlawfully intercepted;

b. The order of authorization is insufficient on its face;

c. The interception was not made in conformity with the order of authorization or in accordance with the requirements of section 12 of P.L.1968, c.409 (C.2A:156A-12).

The motion shall be made at least 10 days before the trial, hearing, or proceeding unless there was no opportunity to make the motion or the moving party was not aware of the grounds for the motion. Motions by coindictees are to be heard in a single consolidated hearing.

The court, upon the filing of such motion by the aggrieved person, shall make available to the aggrieved person or his counsel for inspection such portions of the intercepted communication, or evidence derived therefrom, as the court determines to be in the interests of justice. If the motion is granted, the entire contents of all intercepted wire, electronic or oral communications obtained during or after any interception which is determined to be in violation of this act under subsection a., b., or c. of this section, or evidence derived therefrom, shall not be received in evidence in the trial, hearing or proceeding.

In addition to any other right to appeal, the State shall have the right to appeal from an order granting a motion to suppress if the official to whom the order authorizing the intercept was granted shall certify to the court that the appeal is not taken for purposes of delay. The appeal shall be taken within the time specified by the Rules of Court and shall be diligently prosecuted.

20. Section 24 of P.L.1968, c.409 (C.2A:156A-24) is amended to read as follows:

C.2A:156A-24 Civil action for damages, attorney's fee by persons whose communications are intercepted unlawfully.

24. Any person whose wire, electronic or oral communication is intercepted, disclosed or used in violation of this act shall have a civil cause of action against any person who intercepts, discloses or uses or procures any other person to intercept, disclose or use, such communication; and shall be entitled to recover from any such person:

a. Actual damages, but not less than liquidated damages computed at the rate of $100.00 a day for each day of violation, or $1,000.00, whichever is higher;

b. Punitive damages; and

c. A reasonable attorney's fee and other litigation costs reasonably incurred.

C.2A:156A-27 Unlawful access to stored communications.

21. Unlawful access to stored communications.

a. A person is guilty of a crime of the fourth degree if he (1) knowingly accesses without authorization a facility through which an electronic communication service is provided or exceeds an authorization to access that facility, and (2) thereby obtains, alters, or prevents authorized access to a wire or electronic communication while that communication is in electronic storage.

b. A person is guilty of a crime of the third degree if, for the purpose of commercial advantage, private commercial gain, or malicious destruction or damage, he (1) knowingly accesses without authorization a facility through which an electronic communication service is provided or exceeds an authorization to access that facility, and (2) thereby obtains, alters, or prevents authorized access to a wire or electronic communication while that communication is in electronic storage.

c. This section does not apply to conduct authorized: (1) by the person or entity providing a wire or electronic communication service; or (2) by a user of that service with respect to a communication of or intended for that user; or (3) by section 10 of P.L.1968, c.409 (C.2A:156A-10), section 13 of P.L.1968, c.409 (C.2A:156A-13), or by section 23 or 24 of P.L.1993, c.29 (C.2A:156A-29 or C.2A:156A-30).

C.2A:156A-28 Disclosure of contents.

22. Disclosure of contents.

a. (1) Except as provided in subsection b. of this section, a person or entity providing an electronic communication service to the public shall not knowingly divulge to any person or entity the contents of a communication while in electronic storage by that service; and

(2) Except as provided in subsection b. of this section, a person or entity providing remote computing service to the public shall not knowingly divulge to any person or entity the contents of any communication which is carried or maintained on that service:

(a) on behalf of, and received by means of electronic transmission from, or created by means of computer processing of communications received by means of electronic transmission from, a subscriber or customer of the service; and

(b) solely for the purpose of providing storage or computer processing services to the subscriber or customer, if the provider is not authorized to access the contents of any such communication for the purpose of providing any services other than storage or computer processing.

b. A person or entity may divulge the contents of a communication:

(1) to an addressee or intended recipient of the communication or an agent of the addressee or intended recipient;

(2) as authorized or required by section 4 of P.L.1968, c.409 (C.2A:156A-4), section 17 of P.L.1968, c.409 (C.2A:156A-17), section 18 of P.L.1968, c.409 (C.2A:156A-18) or section 23 of P.L.1993, c.29 (C.2A:156A-29);

(3) with the lawful consent of the originator or an addressee or intended recipient of the communication, or the subscriber in the case of a remote computing service;

(4) to a person employed or authorized or whose facilities are used to forward the communication to its destination;

(5) as may be necessarily incident to the rendition of the service or to the protection of the rights or property of the provider; or

(6) to a law enforcement agency, if the contents were inadvertently obtained by the provider and appear to pertain to the commission of a crime.

C.2A:156A-29 Requirements for access.

23. Requirements for access.

a. A law enforcement agency, but no other governmental entity, may require the disclosure by a provider of wire or electronic communication service of the contents of an electronic communication without notice to the subscriber or the customer if the law enforcement agency obtains a warrant.

b. Except as provided in subsection c. of this section, a provider of wire or electronic communication service or remote computing service may disclose a record or other information pertaining to a subscriber or customer of the service to any person other than a governmental entity. This subsection shall not apply to the contents covered by subsection a. of this section.

c. A provider of wire or electronic communication service or remote computing service shall disclose a record or other information pertaining to a subscriber or customer of the service, other than contents covered by subsection a. of this section, to a law enforcement agency under the following circumstances:

(1) the law enforcement agency has obtained a warrant; or

(2) the law enforcement agency has obtained the consent of the subscriber or customer to the disclosure.

A law enforcement agency receiving records or information pursuant to this subsection is not required to provide notice to the customer or subscriber.

d. Notwithstanding any other provision of law to the contrary, no service provider, its officers, employees, agents or other specified persons shall be liable in any civil action for damages as a result of providing information, facilities or assistance in accordance with the terms of a court order or warrant under this section.

C.2A:156A-30 Backup preservation.

24. Backup preservation.

a. (1) A law enforcement agency acting pursuant to section 23 of P.L.1993, c.29 (C.2A:156A-29) may include in a court order a requirement that the service provider to whom the request is directed create a backup copy of the contents of the electronic communication sought in order to preserve those communications. Without notifying the subscriber or customer of the court order, the service provider shall create the backup copy as soon as practicable, consistent with its regular business practices, but in no event later than within two business days after receipt by the provider of the court order and shall confirm to the law enforcement agency that the backup copy has been made.

(2) Notice to the subscriber or customer shall be made by the law enforcement agency within three days after receipt of confirmation that the backup copy has been made.

(3) The service provider shall not destroy or permit the destruction of the backup copy until either the delivery of the information or the resolution of all proceedings, including any appeals, concerning the court order, whichever is later.

(4) The service provider shall release the backup copy to the requesting law enforcement agency if, 14 days after the agency's notice to the subscriber or customer, the provider has not received written notice from the subscriber or customer that the subscriber or customer has filed a motion to vacate the order pursuant to subsection b. of this section or the provider has not initiated proceedings to challenge the request of the agency.

b. Within 14 days after notice by the law enforcement agency to the subscriber or customer under paragraph (2) of subsection a. of this section the subscriber or customer may file a motion to vacate the court order, copies to be served upon the agency and written notice of the challenge to be given to the service provider. A motion to vacate a court order shall be filed in the court which issued the order. The motion or application shall contain an affidavit or sworn statement stating that the applicant is a customer of or subscriber to the service from which the contents of electronic communications maintained for the applicant have been sought and shall contain the applicant's reasons for believing that the records sought are not relevant to a legitimate law enforcement inquiry or that there has not been substantial compliance with the provisions of sections 21 through 26 of P.L.1993, c.29 (C.2A:156A-27 through C.2A:156A-32).

c. Service shall be made upon the law enforcement agency by delivering or mailing by registered or certified mail a copy of the papers to the person, office or department specified in the notice which the customer received pursuant to paragraph (2) of subsection a. of this section.

d. If the court finds that the subscriber or customer has properly complied with subsections b. and c. of this section, the court shall order the law enforcement agency to file a sworn response, which may be filed in camera if it includes the reasons which make in camera review appropriate. If the court is unable to determine the motion or application on the basis of the initial allegations and responses, the court may conduct such additional proceedings as it deems appropriate. All such proceedings shall be completed and the motion or application decided as soon as practicable after the filing of the agency's response.

e. If the court finds that the applicant is not the subscriber or customer for whom the communications sought by the law enforcement agency are maintained, or that there is reason to believe that the law enforcement inquiry is legitimate and that the communications sought are relevant to that inquiry, it shall deny the motion or application and order the process enforced. If the court finds that the applicant is the subscriber or customer for whom the communications sought are maintained, and that there is no reason to believe that the communications sought are relevant to a legitimate law enforcement inquiry, or that there has not been substantial compliance with the provisions of sections 21 through 26 of P.L.1993, c.29 (C.2A:156A-27 through C.2A:156A-32), it shall order the process quashed.

C.2A:156A-31 Cost reimbursement.

25. Cost reimbursement.

a. Except as otherwise provided in subsection c. of this section, a law enforcement agency obtaining the contents of communications, records or other information under section 22, 23 or 24 of P.L.1993, c.29 (C.2A:156A-28, C.2A:156A-29 or C.2A:156A-30) shall reimburse the person or provider for such costs as are reasonably necessary and which have been directly incurred in searching for, assembling, reproducing and otherwise providing the information. Reimbursable costs shall include, but shall not be limited to, any costs due to necessary disruption of normal operations of any electronic communication service or remote computing service in which the information may be stored.

b. The amount of the reimbursement provided for in subsection a. of this section shall be as mutually agreed upon by a law enforcement agency and the service provider. In the absence of agreement, reimbursement shall be determined by the court which issued the order for production of the information or, if no court order was issued, then by the court before which a criminal prosecution relating to the information would be brought.

c. The requirement of subsection a. of this section does not apply with respect to records or other information maintained by a provider of wire or electronic communication service which relates to telephone toll records and telephone listings obtained under section 23 of P.L.1993, c.29 (C.2A:156A-29). The court may, however, order reimbusement as described in subsection a. of this section if the court determines the information required is voluminous or otherwise causes an undue burden on the provider.

C.2A:156A-32 Civil action.

26. Civil action.

a. Except as provided in subsection d. of section 23 of P.L.1993, c.29 (C.2A:156A-29), any service provider, subscriber or customer aggrieved by any violation of section 21, 22, 23, or 24 of P.L.1993, c.29 (C.2A:156A-27, C.2A:156A-28, C.2A:156A-29 or C.2A:156A-30) may recover, in a civil action, such relief as may be appropriate from the person or entity which knowingly or purposefully engaged in the conduct constituting the violation.

b. In a civil action under this section, appropriate relief may include:

(1) such preliminary and other equitable or declaratory relief as may be appropriate;

(2) damages under subsection c. of this section; and

(3) reasonable attorney's fees and other litigation costs reasonably incurred.

c. The court may assess as damages in a civil action under this section the sum of the actual damages suffered by the plaintiff and any profits made by the violator as a result of the violation, but in no case shall a person entitled to recover receive less than the sum of $1,000.

d. A civil action under this section may not be commenced later than two years after the date upon which the claimant first discovered or had a reasonable opportunity to discover the violation.

C.2A:156A-33 Defense to civil, criminal action.

27. It shall be a complete defense to any civil or criminal action brought pursuant to sections 21, 22, 23, 24 and 26 of P.L.1993, c.29 (C.2A:156A-27, C.2A:156A-28, C.2A:156A-29, C.2A:156A-30 and C.2A:156A-32) that the person made good faith reliance on:

a. a court warrant or order, a legislative authorization or a statutory authorization;

b. a request of an investigative or law enforcement officer under section 13 of P.L.1968, c.409 (C.2A:156A-13); or

c. a good faith determination that section 4 of P.L.1968, c.409 (C.2A:156A-4) permitted the conduct which is the subject of the complaint.

C.2A:156A-34 Exclusivity of remedies.

28. Exclusivity of remedies.

The remedies and sanctions described in sections 21 and 26 of P.L.1993, c.29 (C.2A:156A-27 and C.2A:156A-32) are the only judicial remedies and sanctions for nonconstitutional violations of sections 21, 22, 23 and 24 of P.L.1993, c.29 (C.2A:156A-27, C.2A:156A-28, C.2A:156A-29, and C.2A:156A-30).

29. This act shall take effect immediately and shall expire on July 1, 1994.

Approved January 28, 1993.

CHAPTER 30

AN ACT concerning the administration and management of planned real estate developments, amending and supplementing P.L.1977, c.419 (C.45:22A-21 et seq.).

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

C.45:22A-43 Organization of association.

1. A developer subject to the registration requirements of section 6 of P.L.1977, c.419 (C.45:22A-26) shall organize or cause to be organized an association whose obligation it shall be to manage the common elements and facilities. The association shall be formed on or before the filing of the master deed or declaration of covenants and restrictions, and may be formed as a for-profit or nonprofit corporation, unincorporated association, or any other form permitted by law.

C.45:22A-44 Powers, functions of association.

2. a. Subject to the master deed, declaration of covenants and restrictions or other instruments of creation, the association may

do all that it is legally entitled to do under the laws applicable to its form of organization.

b. The association shall exercise its powers and discharge its functions in a manner that protects and furthers the health, safety and general welfare of the residents of the community.

c. The association shall provide a fair and efficient procedure for the resolution of disputes between individual unit owners and the association, and between unit owners, which shall be readily available as an alternative to litigation.

d. The association may assert tort claims concerning the common elements and facilities of the development as if the claims were asserted directly by the unit owners individually.

C.45:22A-45 Election of executive board; powers.

3. a. The form of administration of an association organized pursuant to section 1 of P.L.1993, c.30 (C.45:22A-43) shall provide for the election of an executive board, elected by and responsible to the members of the association pursuant to section 4 of P.L.1993, c.30 (C.45:22A-46), through which the powers of the association shall be exercised and its functions performed.

b. Subject to the master deed, declaration of covenants and restrictions, bylaws or other instruments of creation, subsection d. of this section, and the laws of the State, the executive board may act in all instances on behalf of the association.

c. The members of the executive board appointed by the developer shall be liable as fiduciaries to the owners for their acts or omissions.

d. During control of the executive board by the developer, copies of the annual audit of association funds shall be available for inspection by owners or their authorized representative at the project site.

C.45:22A-46 Bylaws; requirements.

4. The bylaws of the association, which shall initially be recorded with the master deed shall include, in addition to any other lawful provisions, the following:

a. A requirement that all meetings of the executive board, except conference or working sessions at which no binding votes are to be taken, shall be open to attendance by all unit owners, and adequate notice of any such meeting shall be given to all unit owners in such manner as the bylaws shall prescribe; except that the executive board may exclude or restrict attendance at those meetings, or portions of meetings, dealing with (1) any matter the disclosure of which would constitute an unwarranted invasion of individual privacy; (2) any pending or anticipated litigation or contract negotiations; (3) any matters falling within the attorney-client privilege, to the extent that confidentiality is required in order for the attorney to exercise his ethical duties as a lawyer, or (4) any matter involving the employment, promotion, discipline or dismissal of a specific officer or employee of the association. At each meeting required under this subsection to be open to all unit owners, the participation of unit owners in the proceedings or the provision of a public comment session shall be at the discretion of the executive board, minutes of the proceedings shall be taken, and copies of those minutes shall be made available to all unit owners before the next open meeting.

b. The method of calling meetings of unit owners, the percentage of unit owners or voting rights required to make decisions and to constitute a quorum. The bylaws may, nevertheless, provide that unit owners may waive notice of meetings or may act by written agreement without meetings.

c. The manner of collecting from unit owners their respective shares of common expenses and the method of distribution to the unit owners of their respective shares of common surplus or such other application of common surplus as may be duly authorized by the bylaws.

d. The method by which the bylaws may be amended, provided that no amendment shall be effective until recorded in the same office as the then existing bylaws. The bylaws may also provide a method for the adoption, amendment and enforcement of reasonable administrative rules and regulations relating to the operation, use, maintenance and enjoyment of the units and of the common elements, including limited common elements.

C.45:22A-47 Surrender of control to owners.

5. a. Irrespective of the time set for developer control of the association provided in the master deed, declaration of covenants and restrictions, or other instruments of creation, control of the association shall be surrendered to the owners in the following manner:

(1) Sixty days after conveyance of 25 percent of the lots, parcels, units or interests, not fewer than 25 percent of the members of the executive board shall be elected by the owners.

(2) Sixty days after conveyance of 50 percent of the lots, parcels, units or interests, not fewer than 40 percent of the members of the executive board shall be elected by the owners.

(3) Sixty days after conveyance of 75 percent of the lots, parcels, units or interests, the developer's control of the executive board shall terminate, at which time the owners shall elect the entire executive board; except that the developer may retain the

selection of one executive board member so long as there are any units remaining unsold in the regular course of business.

b. The percentages specified in subsection a. of this section shall be calculated upon the basis of the whole number of units entitled to membership in the association. The bylaws of the association shall specify the number or proportion of votes of all units conveyed to owners that shall be required for the election of board members. Unless the bylaws provide otherwise, each unit conveyed to an owner shall be entitled to one vote. A developer may surrender control of the executive board of the association before the time specified in subsection a. of this section, if the owners agree by a majority vote to assume control.

c. Upon assumption by the owners of control of the executive board of the association, the developer shall forthwith deliver to the association all items and documents pertinent to the association, such as, but not limited to, a copy of the master deed, declaration of covenants and restrictions, documents of creation of the association, bylaws, minute book including all minutes, any rules and regulations, association funds and an accounting therefor, all personal property, insurance policies, government permits, a membership roster and all contracts and agreements relative to the association.

d. The association when controlled by the owners shall not take any action that would be detrimental to the sale of units by the developer, and shall continue the same level of maintenance, operation and services as immediately prior to their assumption of control, until the last unit is sold.

e. From the time of conveyance of 75 percent of the lots, parcels, units, or interests, until the last lot, parcel, unit, or interest in the development is conveyed in the ordinary course of business, the master deed, bylaws or declaration of covenants and restrictions shall not require that more than 75 percent of the votes entitled to be cast thereon be cast in the affirmative for a change in the bylaws or regulations of the association.

f. The developer shall not be permitted to cast any votes allocated to unsold lots, parcels, units, or interests, in order to amend the master deed, bylaws, or any other document, for the purpose of changing the permitted use of a lot, parcel, unit, or interest, or for the purpose of reducing the common elements or facilities.

C.45:22A-48 Preparation, distribution of explanatory materials and guidelines.

6. The Commissioner of Community Affairs shall cause to be prepared and distributed, for the use and guidance of associations,

executive boards and administrators, explanatory materials and guidelines to assist them in achieving proper and timely compliance with the requirements of P.L.1993, c.30 (C.45:22A-43 et al.). Such guidelines may include the text of model bylaw provisions suggested or recommended for adoption. Failure or refusal of an association or executive board to make proper amendment or supplementation of its bylaws prior to the effective date of P.L.1993, c.30 (C.45:22A-43 et al.) shall not, however, affect their obligation of compliance therewith on and after that effective date.

7. Section 3 of P.L.1977, c.419 (C.45:22A-23) is amended to read as follows:

C.45:22A-23 Definitions.

3. As used in this act unless the context clearly indicates otherwise:

a. "Disposition" means any sales, contract, lease, assignment, or other transaction concerning a planned real estate development.

b. "Developer" or "subdivider" means any person who disposes or offers to dispose of any lot, parcel, unit, or interest in a planned real estate development.

c. "Offer" means any inducement, solicitation, advertisement, or attempt to encourage a person to acquire a unit, parcel, lot, or interest in a planned real estate development.

d. "Purchaser" or "owner" means any person or persons who acquires a legal or equitable interest in a unit, lot, or parcel in a planned real estate development, and shall be deemed to include a prospective purchaser or owner.

e. "State" means the State of New Jersey.

f. "Commissioner" means the Commissioner of Community Affairs.

g. "Person" shall be defined as in R.S.1:1-2.

h. "Planned real estate development" or "development" means any real property situated within the State, whether contiguous or not, which consists of or will consist of, separately owned areas, irrespective of form, be it lots, parcels, units, or interest, and which are offered or disposed of pursuant to a common promotional plan, and providing for common or shared elements or interests in real property.

This definition shall specifically include, but shall not be limited to, property subject to the "Condominium Act," P.L.1969, c.257 (C.46:8B-1 et seq.), any form of homeowners' association, any housing cooperative or to any community trust or other trust device.

This definition shall be construed liberally to effectuate the purposes of this act.

i. "Common promotional plan" means any offer for the disposition of lots, parcels, units or interests of real property by a single person or group of persons acting in concert, where such lots, parcels, units or interests are contiguous, or are known, designated or advertised as a common entity or by a common name.

j. "Advertising" means and includes the publication or causing to be published of any information offering for disposition or for the purpose of causing or inducing any other person to purchase an interest in a planned real estate development, including the land sales contract to be used and any photographs or drawings or artist's representations of physical conditions or facilities on the property existing or to exist by means of any:

(1) Newspaper or periodical;

(2) Radio or television broadcast;

(3) Written or printed or photographic matter;

(4) Billboards or signs;

(5) Display of model houses or units;

(6) Material used in connection with the disposition or offer of the development by radio, television, telephone or any other electronic means; or

(7) Material used by developers or their agents to induce prospective purchasers to visit the development, particularly vacation certificates which require the holders of such certificates to attend or submit to a sales presentation by a developer or his agents.

"Advertising" does not mean and shall not be deemed to include: Stockholder communications such as annual reports and interim financial reports, proxy materials, registration statements, securities prospectuses, applications for listing securities on stock exchanges, and the like; all communications addressed to and relating to the account of any person who has previously executed a contract for the purchase of the subdivider's lands except when directed to the sale of additional lands.

k. "Nonbinding reservation agreement" means an agreement between the developer and a purchaser and which may be cancelled without penalty by either party upon written notice at any time prior to the formation of a contract for the disposition of any lot, parcel, unit or interest in a planned real estate development.

l. "Blanket encumbrance" means a trust deed, mortgage, judgment, or any other lien or encumbrance, including an option or contract to sell or a trust agreement, affecting a development or affecting more than one lot, unit, parcel, or interest therein, but does not include any lien or other encumbrance arising as the result of the imposition of any tax assessment by any public authority.

m. "Conversion" means any change with respect to a real estate development or subdivision, apartment complex or other entity concerned with the ownership, use or management of real property which would make such entity a planned real estate development.

n. "Association" means an association for the management of common elements and facilities, organized pursuant to section 1 of P.L.1993, c.30 (C.45:22A-43).

o. "Executive board" means the executive board of an association, as provided for in section 3 of P.L.1993, c.30 (C.45:22A-45).

p. "Unit" means any lot, parcel, unit or interest in a planned real estate development that is, or is intended to be, a separately owned area thereof.

8. This act shall take effect six months after enactment, except that section 6 shall take effect immediately.

Approved January 29, 1993.

CHAPTER 31

AN ACT concerning municipal fair share obligations under the "Fair Housing Act," amending P.L.1985, c.222, and repealing section 23 of P.L.1985, c.222.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. Section 7 of P.L.1985, c.222 (C.52:27D-307) is amended to read as follows:

C.52:27D-307 Duties of council.

7. It shall be the duty of the council, seven months after the confirmation of the last member initially appointed to the council, or January 1, 1986, whichever is earlier, and from time to time thereafter, to:

a. Determine housing regions of the State;

b. Estimate the present and prospective need for low and moderate income housing at the State and regional levels;

c. Adopt criteria and guidelines for:

(1) Municipal determination of its present and prospective fair share of the housing need in a given region. Municipal fair share

shall be determined after crediting on a one-to-one basis each current unit of low and moderate income housing of adequate standard, including any such housing constructed or acquired as part of a housing program specifically intended to provide housing for low and moderate income households;

(2) Municipal adjustment of the present and prospective fair share based upon available vacant and developable land, infrastructure considerations or environmental or historic preservation factors and adjustments shall be made whenever:

(a) The preservation of historically or important architecture and sites and their environs or environmentally sensitive lands may be jeopardized,

(b) The established pattern of development in the community would be drastically altered,

(c) Adequate land for recreational, conservation or agricultural and farmland preservation purposes would not be provided,

(d) Adequate open space would not be provided,

(e) The pattern of development is contrary to the planning designations in the State Development and Redevelopment Plan prepared pursuant to sections 1 through 12 of P.L.1985, c.398 (C.52:18A-196 et seq.),

(f) Vacant and developable land is not available in the municipality, and

(g) Adequate public facilities and infrastructure capacities are not available, or would result in costs prohibitive to the public if provided; and

(3) (Deleted by amendment, P.L.1993, c.31);

d. Provide population and household projections for the State and housing regions;

e. In its discretion, place a limit, based on a percentage of existing housing stock in a municipality and any other criteria including employment opportunities which the council deems appropriate, upon the aggregate number of units which may be allocated to a municipality as its fair share of the region's present and prospective need for low and moderate income housing. No municipality shall be required to address a fair share beyond 1,000 units within six years from the grant of substantive certification, unless it is demonstrated, following objection by an interested party and an evidentiary hearing, based upon the facts and circumstances of the affected municipality that it is likely that the municipality through its zoning powers could create a realistic opportunity for more than 1,000 low and moderate income units within that six-year period. For the purposes of this section, the facts and circumstances which shall determine whether a municipality's fair share shall exceed 1,000 units, as provided above, shall be a finding that the municipality has issued more than 5,000 certificates of occupancy for residential units in the six-year period preceding the petition for substantive certification in connection with which the objection was filed.

In carrying out the above duties, including, but not limited to, present and prospective need estimations the council shall give appropriate weight to pertinent research studies, government reports, decisions of other branches of government, implementation of the State Development and Redevelopment Plan prepared pursuant to sections 1 through 12 of P.L.1985, c.398 and public comment. To assist the council, the State Planning Commission established under that act shall provide the council annually with economic growth, development and decline projections for each housing region for the next six years. The council shall develop procedures for periodically adjusting regional need based upon the low and moderate income housing that is provided in the region through any federal, State, municipal or private housing program.

Repealer.

2. Section 23 of P.L.1985, c.222 (C.52:27D-323) is repealed.

3. This act shall take effect immediately.

Approved January 29, 1993.

CHAPTER 32

AN ACT concerning site improvement standards and supplementing Title 40 of the Revised Statutes.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

C.40:55D-40.1 Definitions.

1. As used in this act:

"Board" means the Site Improvement Advisory Board established by this act;

"Commissioner" means the Commissioner of Community Affairs;

"Department" means the Department of Community Affairs; and

"Site improvement" means any construction work on, or improvement in connection with, residential development, and shall be limited to, streets, roads, parking facilities, sidewalks, drainage structures, and utilities.

C.40:55D-40.2 Findings, declarations.

2. The Legislature hereby finds and declares that:

a. The multiplicity of standards for subdivisions and site improvements that currently exists in this State increases the costs of housing without commensurate gains in the protection of the public health and safety;

b. It is in the public interest to avoid unnecessary cost in the construction process and uniform site improvement standards that are both sound and cost effective will advance this goal;

c. Adoption of uniform site improvement standards will satisfy the need to ensure predictability;

d. The public interest is best served by having development review based, to the greatest extent possible, upon sound, objective site improvement standards rather than upon discretionary design standards;

e. The goal of streamlining the development approval process by improving the efficiency of the application process is best served by the establishment of a uniform set of technical site improvement standards for land development which represents a consensus of informed and interested parties and which adequately addresses their concerns;

f. In order to provide the widest possible range of design freedom and promote diversity, technical requirements should be based upon uniform site improvement standards; and

g. The policymaking aspects of development review are best separated from the making of technical determinations.

C.40:55D-40.3 Site Improvement Advisory Board.

3. a. There is established in, but not of, the department a Site Improvement Advisory Board, to devise Statewide site improvement standards pursuant to section 4 of this act. The board shall consist of the commissioner or his designee, who shall be a nonvoting member of the board, the Director of the Division of Housing in the Department of Community Affairs, who shall be a voting member of the board, and 10 other voting members, to be appointed by the commissioner. The other members shall include two professional planners, one of whom serves as a planner for a

governmental entity or whose professional experience is predominantly in the public sector and who has worked in the public sector for at least the previous five years and the other of whom serves as a planner in private practice and has particular expertise in private residential development and has been involved in private sector planning for at least the previous five years, and one representative each from:

(1) The New Jersey Society of Professional Engineers;
(2) The New Jersey Society of Municipal Engineers;
(3) The New Jersey Association of County Engineers;
(4) The New Jersey Federation of Planning Officials;
(5) The Council on Affordable Housing;
(6) The New Jersey Builders' Association;
(7) The New Jersey Institute of Technology;
(8) The New Jersey State League of Municipalities.

b. Among the members to be appointed by the commissioner who are first appointed, four shall be appointed for terms of two years each, four shall be appointed for terms of three years each, and two shall be appointed for terms of four years each. Thereafter, each appointee shall serve for a term of four years. Vacancies in the membership shall be filled in the same manner as original appointments are made, for the unexpired term. The commission shall select from among its members a chairman. Members may be removed by the commissioner for cause.

c. Board members shall serve without compensation, but may be entitled to reimbursement, from moneys appropriated or otherwise made available for the purposes of this act, for expenses incurred in the performance of their duties.

C.40:55D-40.4 Submission of recommendations for Statewide site improvement standards for residential development.

4. a. The board shall, no later than 180 days following the appointment of its full membership, prepare and submit to the commissioner recommendations for Statewide site improvement standards for residential development. The site improvement standards shall implement the recommendations with respect to streets, off-street parking, water supply, sanitary sewers and storm water management of Article Six (with the exhibits appended thereto) of the January 1987 "Model Subdivision and Site Plan Ordinance" prepared for the department by The Center for Urban Policy Research at Rutgers, The State University, except to the extent that the recommendations set forth in the

"Model Subdivision and Site Plan Ordinance" are inconsistent with the requirements of other law; provided, however, that, in the case of inconsistency between the "Model Subdivision and Site Plan Ordinance" and the "Municipal Land Use Law," P.L.1975, c.291 (C.40:55D-1 et seq.), the site improvement standards recommended by the board shall conform to the provisions of the "Model Subdivision and Site Plan Ordinance;" and provided, further, that the board may in developing its recommendations, replace or modify any of the specific standards set forth in the aforesaid model ordinance in light of any recommended site improvement standards promulgated under similarly authoritative auspices of any academic or professional institution or organization.

In addition to those recommended standards, the board shall develop, and shall submit with recommendation to the commissioner, a model application form for use throughout the State.

At the time the board submits its recommendations for Statewide site improvement standards and a model Statewide application form, the board shall submit to the commissioner, the Governor and the Legislature any recommendations it may deem necessary, in view of the recommended site improvement standards and the model Statewide application form, for changes in the "Municipal Land Use Law," P.L.1975, c.291 (C.40:55D-1 et seq.).

b. The commissioner shall review the recommendations submitted by the board and, following his review, shall establish, by regulation adopted pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), a set of Statewide site improvement standards to be followed by municipalities in granting development approval pursuant to P.L.1975, c.291 (C.40:55D-1 et seq.) and a standard application form that shall be used throughout the State. The commissioner shall promulgate the recommendations of the board with regard to Statewide site improvement standards without making a change in any recommended standard unless, in the commissioner's judgment, a standard would: (1) place an unfair economic burden on some municipalities or developers relative to others; or (2) result in a danger to the public health or safety. The commissioner may veto any site improvement standard on the abovementioned grounds; however, any veto of the commissioner may be overridden by a two-thirds vote of the board. The regulations shall be adopted within one year of their submission by the board to the commissioner.

c. A municipality or developer may seek a waiver of any site improvement standard adopted by the board in connection with a specific development if, in the judgment of the municipal engineer or the developer, to adhere to the standard would jeopardize the public health and safety. Any application for a waiver shall be submitted in writing to the commissioner, who shall direct the application to a technical subcommittee, as described below, if the commissioner deems the application to be justified according to the standards set forth in this subsection. The technical subcommittee shall consist of those representatives set forth in paragraphs (1), (2) and (6) of subsection a. of section 3 of this act appointed by the commissioner to serve on the Site Improvement Advisory Board. Any decision of the technical subcommittee shall be adopted by resolution explaining the subcommittee's rationale for granting the waiver. The subcommittee shall render its decision within 30 days of the commissioner's determination that the application is justified. Any decision of the technical subcommittee may be appealed to the entire board; however, the board shall render any final decision of an appeal within 10 days of the hearing on the appeal and the decision of the full board shall be final. The waiver process shall not extend the time guidelines which constrain development applications which are set forth in the "Municipal Land Use Law," P.L.1975, c.291 (C.40:55D-1 et seq.).

d. The board shall annually review the regulations adopted pursuant to subsection b. of this section, and shall recommend to the commissioner any changes in those regulations which the board deems necessary based on recommended site improvement standards promulgated under the authoritative auspices of any academic or professional institution or organization. Any changes made in the regulations pursuant to this subsection shall be made according to the same procedure and shall be subject to the same waiver provisions as those set forth in subsections a., b. and c. of this section.

C.40:55D-40.5 Supersedure of site improvement standards.

5. Notwithstanding any provision to the contrary of the "Municipal Land Use Law," P.L.1975, c.291 (C.40:55D-1 et seq.), the standards set forth in the regulations adopted pursuant to subsection b. of section 4 of this act shall supersede any site improvement standards incorporated within the development ordinances of any municipality, as provided hereunder. The regulations adopted by the commissioner pursuant to subsection b. of section 4 of this act and any subsequent amendments thereto shall take effect 180 days following the adoption of those regulations and any municipal ordinances in effect on that date shall be deemed to have been repealed and have no further force or effect; provided, however, that the development ordinances of any

municipality shall continue to govern any project which has received preliminary approval on or before the effective date of any site improvement standards or amendments adopted thereto.

C.40:55D-40.6 Municipal zoning power not limited.

6. Nothing contained in this act shall in any way limit the zoning power of any municipality.

C.40:55D-40.7 Construction of act.

7. a. Nothing in this act shall be construed to modify the provisions of the "Pinelands Protection Act," P.L.1979, c.111 (C.13:18A-1 et seq.) or any regulations promulgated pursuant thereto and section 502 of the "National Parks and Recreation Act of 1978" (Pub.L 95-625).

b. Nothing in this act shall be construed to prohibit, preempt or in any way affect the exercise of any authority by the State or any county government with respect to site improvements conferred by any other State law or regulation promulgated thereunder.

8. This act shall take effect immediately.

Approved January 29, 1993.

CHAPTER 33

AN ACT concerning the payment by certain borrowers of certain fees and expenses of lenders' attorneys, amending P.L.1975, c.145 and supplementing Title 17 of the Revised Statutes.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. Section 1 of P.L.1975, c.145 (C.46:10A-6) is amended to read as follows:

C.46:10A-6 Borrower to choose own attorney; fees; disclosure; definitions.

1. a. No banking institution, other financial institution or other lender, which is licensed or authorized under the laws of this State or of the United States to engage in the business of making loans secured by mortgage, or which has an office in this State for that purpose, which institution or other lender is hereinafter referred to

as a "lender," shall require a borrower to employ the services of the lender's counsel or an attorney specified by the lender with respect to such a loan secured by real property from the lender to the borrower if some or all of the collateral is located in this State.

b. If a lender makes a written offer to a borrower to make a loan secured by real property located in this State, the lender shall disclose, in writing, prominently and in bold type, to the borrower before the acceptance of the offer by the borrower, that the interests of the borrower and lender are or may be different and may conflict, and that the lender's attorney represents only the lender and not the borrower and the borrower is, therefore, advised to employ an attorney of the borrower's choice licensed to practice law in this State to represent the interests of the borrower.

c. If a lender makes a written offer to a borrower to make a loan secured by real property located in this State, the lender shall disclose in writing as part of the loan commitment, or within 10 days after the issuance of the commitment, to the borrower and before the acceptance of the commitment by the borrower:

(1) the basis for the determination of any charge which the borrower will be required to pay the lender's attorney for services provided to the lender in connection with that loan; and

(2) a good faith estimate of any charge which the borrower will be expected to pay to the lender's attorney for the services specified in paragraph (1) of this subsection c.

If the good faith estimate supplied to the borrower by the lender pursuant to paragraph (2) of this subsection c. will be materially exceeded, the lender shall notify the borrower of the increase at the time the lender becomes aware of the change and, to the extent feasible, at least prior to closing of the loan. The failure of the lender to advise the borrower of an increase in the estimate shall preclude the lender from seeking payment of the excess from the borrower. The failure to give a good faith estimate or to advise the borrower of additional charges shall not affect the validity or enforceability of the loan commitment, the loan, or the security for the loan.

d. If a loan is made to a person or persons primarily for personal, family or household purposes and is secured by real property located in this State: (1) on which the principal structure is a one-to-four family residence; or (2) on which a one-to-four family residence is to be the principal structure to be constructed with the use of the loan proceeds, the lender shall not require the borrower to reimburse the lender for, or to pay all or any portion of, any fee or expense charged by the lender's attorney except to the extent of a fee for the review of the loan documents prepared or submitted by or at the direction of the borrower's attorney or such other work or services as requested by the borrower or the borrower's attorney. Any other legal fee or expense of the lender's attorney shall be the sole responsibility of the lender.

For the purposes of this subsection, "loan document" means a promissory note, loan agreement, mortgage, affidavit of title, power of attorney, survey and survey affidavit, title documents and searches and commitments for title insurance and modification of any promissory note, mortgage or loan agreement.

e. If a loan is secured by real property and is not subject to subsection d. of this section, the lender and borrower may agree that the borrower shall reimburse the lender or pay directly for all or any part of the fees and expenses incurred with respect to the loan transaction, including, but not limited to, the fees and expenses of the lender's attorney.

f. If, pursuant to the provisions of this section, a borrower is required to reimburse for or pay the fees and expenses of the lender's attorney for services performed in connection with a loan secured by real property, all such fees and expenses shall be reasonable as defined by the Rules of Professional Conduct adopted by the Supreme Court of New Jersey.

g. (1) The provisions of this section shall not apply to secondary mortgage loans secured by real property which are made pursuant to P.L.1970, c.205 (C.17:11A-34 et seq.), section 24 of P.L.1948, c.67 (C.17:9A-24) or section 155 of P.L.1963, c.144 (C.17:12B-155) or which are similar secondary mortgage loans made by lenders pursuant to other authority.

(2) The provisions of this section shall not be deemed to permit any attorney's fee or charge or other charge or permit any action otherwise prohibited or limited by any other applicable law or regulation, including, but not limited to, the "Consumer Loan Act," R.S.17:10-1 et seq., the "Retail Installment Sales Act of 1960," P.L.1960, c.40 (C.17:16C-1 et seq.), the "pawnbroking law," R.S.45:22-1 et seq., Article 12 of "The Banking Act of 1948," P.L.1948, c.67 (C.17:9A-53 et seq.) and P.L.1959, c.91 (C.17:9A-59.1 et seq.).

(3) For purposes of this section, "written offer" includes a written commitment to make a loan.

C.17:16P-1 Borrower may choose own attorney; payment of fees regulated; secured loan.

2. a. No banking institution, other financial institution or other lender, which is licensed or authorized under the laws of this

State or of the United States to engage in the business of making loans secured by personal property, or which has an office in this State for that purpose, shall require a borrower to employ the services of the institution's or lender's counsel or an attorney specified by the institution or lender with respect to such a loan from the institution or lender to the borrower if some or all of the collateral is located in this State at the time of the loan.

b. If a loan is secured by personal property, the institution or lender and borrower may agree that the borrower shall reimburse the institution or lender or pay directly for all or any part of the fees and expenses incurred with respect to the loan transaction, including, but not limited to, the fees and expenses of the institution's or lender's attorney.

c. If, pursuant to the provisions of this section, a borrower is required to reimburse or pay the fees and expenses for the institution's or lender's attorney for services performed in connection with a loan secured by personal property, all such fees and expenses shall be reasonable as defined by the Rules of Professional Conduct adopted by the Supreme Court of New Jersey.

d. The provisions of this section shall not be deemed to permit any attorney's fee or charge or other charge or permit any action otherwise prohibited or limited by any other applicable law or regulation, including, but not limited to, the "Consumer Loan Act," R.S.17:10-1 et seq., the "Retail Installment Sales Act of 1960," P.L.1960, c.40 (C.17:16C-1 et seq.), the "pawnbroking law," R.S.45:22-1 et seq., Article 12 of "The Banking Act of 1948," P.L.1948, c.67 (C.17:9A-53 et seq.) and P.L.1959, c.91 (C.17:9A-59.1 et seq.).

C.17:16P-2 Payment of fees to lender's attorney; unsecured loan.

3. a. If a banking institution, other financial institution or other lender, which is licensed or authorized under the laws of this State or of the United States to engage in the business of making unsecured loans, or which has an office in this State for that purpose, requires a borrower to reimburse or pay the fees and expenses for the institution's or lender's attorney for services performed in connection with an unsecured loan, all such fees and expenses shall be reasonable as defined by the Rules of Professional Conduct adopted by the Supreme Court of New Jersey.

b. The provisions of this section shall not be deemed to permit any attorney's fee or charge or other charge or permit any action otherwise prohibited or limited by any other applicable law or regulation, including, but not limited to, the "Consumer Loan Act," R.S.17:10-1 et seq., the "Retail Installment Sales Act of 1960," P.L.1960, c.40 (C.17:16C-1 et seq.), the "pawnbroking law," R.S.45:22-1 et seq., Article 12 of "The Banking Act of 1948," P.L.1948, c.67 (C.17:9A-53 et seq.) and P.L.1959, c.91 (C.17:9A-59.1 et seq.).

4. This act shall take effect immediately.

Approved January 29, 1993.

CHAPTER 34

AN ACT concerning the issuance of driver's licenses and identification cards and amending R.S.39:3-10, R.S.39:3-13, P.L.1950, c.127, P.L.1955, c.53 and P.L.1980, c.47.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. R.S.39:3-10 is amended to read as follows:

Licensing of drivers; classifications.

39:3-10. No person shall drive a motor vehicle on a public highway in this State unless licensed to do so in accordance with this article. No person under 17 years of age shall be licensed to drive motor vehicles, nor shall a person be licensed until he has passed a satisfactory examination as to his ability as an operator. The examination shall include a test of the applicant's vision, his ability to understand traffic control devices, his knowledge of safe driving practices and of the effects that ingestion of alcohol or drugs has on a person's ability to operate a motor vehicle, his knowledge of such portions of the mechanism of motor vehicles as is necessary to insure the safe operation of a vehicle of the kind or kinds indicated by the applicant and of the laws and ordinary usages of the road and a demonstration of his ability to operate a vehicle of the class designated.

The director shall expand the driver's license examination by 20%. The additional questions to be added shall consist solely of questions developed in conjunction with the State Department of Health concerning the use of alcohol or drugs as related to highway safety. The director shall develop in conjunction with the

State Department of Health supplements to the driver's manual which shall include information necessary to answer any question on the driver's license examination concerning alcohol or drugs as related to highway safety.

The director shall expand the driver's license examination to include a question asking whether the applicant is aware of the provisions of the "Uniform Anatomical Gift Act," P.L.1969, c.161 (C.26:6-57 et seq.) and the procedure for indicating on the driver's license the intention to make a donation of body organs or tissues pursuant to P.L.1978, c.181 (C.39:3-12.2).

Any person applying for a driver's license to operate a motor vehicle or motorized bicycle in this State shall surrender to the director any current driver's license issued to him by another state upon his receipt of a driver's license for this State. The director shall refuse to issue a driver's license if the applicant fails to comply with this provision.

The director shall create classified licensing of drivers covering the following classifications:

a. Motorcycles, except that for the purposes of this section, motorcycle shall not include any three-wheeled motor vehicle equipped with a single cab with glazing enclosing the occupant, seats similar to those of a passenger vehicle or truck, seat belts and automotive steering;

b. Omnibuses as classified by R.S.39:3-10.1 and school buses classified under N.J.S.18A:39-1 et seq.;

c. Articulated vehicles means a combination of a commercial motor vehicle registered at a gross weight in excess of 18,000 pounds and one or more motor-drawn vehicles joined together by means of a coupling device;

d. All motor vehicles not included in classifications a., b. and c. A license issued pursuant to this classification d. shall be referred to as the "basic driver's license."

Every applicant for a license under classification b. or c. shall be a holder of a basic driver's license. Any issuance of a license under classification b. or c. shall be by endorsement on the basic driver's license.

A driver's license for motorcycles may be issued separately, but if issued to the holder of a basic driver's license, it shall be by endorsement on the basic driver's license.

The director, upon payment of the lawful fee and after he or a person authorized by him has examined the applicant and is satisfied of the applicant's ability as an operator, may, in his discretion, license the applicant to drive a motor vehicle. The license shall authorize him to drive any registered vehicle, of the kind or kinds indicated, and shall expire, except as otherwise provided, on the last day of the 48th calendar month following the calendar month in which such license was issued.

The director may, at his discretion and for good cause shown, issue licenses which shall expire on a date fixed by him. The fee for licenses with expiration dates fixed by the director shall be fixed by the director in amounts proportionately less or greater than the fee herein established.

The required fee for a license for the 48-month period shall be as follows:

Motorcycle license or endorsement	$13.00
Omnibus or school bus endorsement	$16.00
Articulated vehicle endorsement	$8.00
Basic driver's license	$16.00

The director shall waive the payment of fees for issuance of omnibus endorsements whenever an applicant establishes to the director's satisfaction that said applicant will use the omnibus endorsement exclusively for operating omnibuses owned by a nonprofit organization duly incorporated under Title 15 or 16 of the Revised Statutes or Title 15A of the New Jersey Statutes.

The director shall issue licenses for the following license period on and after the first day of the calendar month immediately preceding the commencement of such period, such licenses to be effective immediately.

All applications for renewals of licenses shall be made on forms prescribed by the director and in accordance with procedures established by him.

The director in his discretion may refuse to grant a license to drive motor vehicles to a person who is, in his estimation, not a proper person to be granted such a license, but no defect of the applicant shall debar him from receiving a license unless it can be shown by tests approved by the Director of the Division of Motor Vehicles that the defect incapacitates him from safely operating a motor vehicle.

In addition to requiring an applicant for a driver's license to submit satisfactory proof of identity and age, the director also shall require the applicant to provide, as a condition for obtaining a license, satisfactory proof that the applicant's presence in the United States is authorized under federal law.

A person violating this section shall be subject to a fine not exceeding $500.00 or imprisonment in the county jail for not more than 60 days, but if that person has never been licensed to drive in this State or any other jurisdiction, he shall be subject to a fine of not less than $200.00 and, in addition, the court shall issue an order to the Director of the Division of Motor Vehicles requiring the director to refuse to issue a license to operate a motor vehicle to the person for a period of not less than 180 days. The penalties provided for by this paragraph shall not be applicable in cases where failure to have actual possession of the operator's license is due to an administrative or technical error by the Division of Motor Vehicles.

Nothing in this section shall be construed to alter or extend the expiration of any license issued prior to the date this amendatory and supplementary act becomes operative.

2. R.S.39:3-13 is amended to read as follows:

Examination permits.

39:3-13. The director may, in his discretion, issue to a person over 17 years of age an examination permit, under the hand and seal of the director, allowing such person, for the purpose of fitting himself to become a licensed driver, to operate a designated class of motor vehicles for a specified period of not more than 90 days, while in the company and under the supervision of a driver licensed to operate such designated class of motor vehicles. An examination permit issued to a handicapped person, as determined by the Division of Motor Vehicles after consultation with the Department of Education, shall be valid for nine months or until the completion of the road test portion of his license examination, whichever period is shorter. The permit shall be sufficient license for the person to operate such designated class of motor vehicles in this State during the period specified, while in the company of and under the control of a driver licensed by this State to operate such designated class of motor vehicles, or, in the case of a commercial driver license permit, while in the company of and under the control of a holder of a valid commercial driver license for the appropriate license class and with the appropriate endorsements issued by this or any other state. Such person, as well as the licensed driver, except for a motor vehicle examiner administering a driving skills test, shall be held accountable for all violations of this subtitle committed by such person while in the presence of the licensed driver. In addition to requiring an applicant for an examination permit to submit satisfactory proof of identity and age, the director also shall require the applicant to provide, as a condition for obtaining the permit, satisfactory proof that the applicant's presence in the United States is authorized under federal law.

No examination for a driver's license shall be given unless the applicant has first secured a special learner's permit or examination permit and no road test shall be scheduled for an applicant who has secured an examination permit until at least 20 days shall have elapsed following the validation of the examination permit for practice driving, except that in the case of an omnibus endorsement or school bus no road test shall be scheduled until at least 10 days shall have elapsed.

Every applicant for an examination permit to qualify for an omnibus endorsement or an articulated vehicle endorsement shall be a holder of a valid basic driver's license.

The required fees for special learners' permits and examination permits shall be as follows:

Basic driver's license	$5.00
Motorcycle license or endorsement	5.00
Omnibus or school bus endorsement	25.00
Articulated vehicle endorsement	15.00

The director shall waive the payment of fees for issuance of examination permits for omnibus endorsements whenever the applicant establishes to the director's satisfaction that said applicant will use the omnibus endorsement exclusively for operating omnibuses owned by a nonprofit organization duly incorporated under Title 15 or 16 of the Revised Statutes or Title 15A of the New Jersey Statutes.

The specified period for which a permit is issued may be extended for not more than an additional 60 days, without payment of added fee, upon application made by the holder thereof, where the holder has applied to take the examination for a driver's license prior to the expiration of the original period for which the permit was issued and the director was unable to schedule an examination during said period.

3. Section 1 of P.L.1950, c.127 (C.39:3-13.1) is amended to read as follows:

C.39:3-13.1 Issuance of special learner's permit.

1. The Director of the Division of Motor Vehicles may issue to a person over 16 years of age a special learner's permit, under the hand and seal of the director, allowing such person, for the purpose of fitting himself to become a motor vehicle driver, to operate a dual pedal controlled motor vehicle while enrolled in a

course of behind-the-wheel automobile driving education approved by the State Department of Education and conducted in a public, parochial or private school of this State or while taking a course of behind-the-wheel automobile driving instruction conducted by a drivers' school duly licensed pursuant to the provisions of P.L.1951, c.216 (C.39:12-1 et seq.), which special learner's permit shall be issued in lieu of the examination permit provided for in R.S.39:3-13. In addition to requiring an applicant for a permit to submit satisfactory proof of identity and age, the director also shall require the applicant to provide, as a condition for obtaining the permit, satisfactory proof that the applicant's presence in the United States is authorized under federal law.

The special learner's permit described above when issued to a person enrolled in a course of driving education conducted in a public, parochial or private school shall be retained in the office of the school principal at all times except during such time as the person to whom the permit is issued in undergoing behind-the-wheel automobile driving instruction.

The director may make such rules and regulations as he may deem necessary to carry out the provisions of this section.

4. Section 1 of P.L.1955, c.53 (C.39:3-17.1) is amended to read as follows:

C.39:3-17.1 Extends right to operate motor vehicle for 60 days or longer period of reciprocity.

1. Except as provided in section 9 of P.L.1990, c.103 (C.39:3-10.17), any person who becomes a resident of this State and who immediately prior thereto was authorized to operate and drive a motor vehicle or motor vehicles in this State as a nonresident pursuant to R.S.39:3-15 and R.S.39:3-17, shall not lose his right to so operate and drive such motor vehicle or motor vehicles by becoming a resident of this State, but such right shall continue to be in full force and effect for 60 days, unless a longer period of reciprocity is otherwise provided by law, after the establishment of his residence in this State in the same manner and to the same extent as though he were a nonresident. The director shall not issue a driver's license to a person who is entitled to operate a motor vehicle in this State under a reciprocity privilege granted by any law.

5. Section 2 of P.L.1980, c.47 (C.39:3-29.3) is amended to read as follows:

C.39:3-29.3 Identification cards for disabled; issuance; contents.

2. The Division of Motor Vehicles shall issue an identification card to any resident of the State who is 17 years of age or older and who is not the holder of a valid learner's permit or a valid driver's license. The identification card shall attest to the true name, correct age, and other identifying data as certified by the applicant for such identification card. Every application for an identification card shall be signed and verified by the applicant and shall be supported by such documentary evidence of the age and identity, or blindness, disability, or handicap, of such person as the division may require. In addition to requiring an applicant for an identification card to submit satisfactory proof of identity and age, the director also shall require the applicant to provide, as a condition for obtaining the card, satisfactory proof that the applicant's presence in the United States is authorized under federal law.

6. Section 4 of P.L.1980, c.47 (C.39:3-29.5) is amended to read as follows:

C.39:3-29.5 Expiration of card; renewal; cards for blind, handicapped valid for life.

4. Each original identification card authorized by section 2 of this act shall, unless canceled earlier, be valid for 48 calendar months from its date of issuance, and shall be renewable upon the request of the bearer of the card, pursuant to terms of license renewal established by the Division of Motor Vehicles, and upon payment of a fee as required by section 6 of this act. An identification card issued pursuant to this act to an applicant who is blind, disabled, or handicapped shall be valid for the life of the holder unless canceled by the holder. Cards issued prior to October 16, 1989 and valid upon the effective date of this amendatory act shall be valid for the life of the holder unless canceled by the holder. Cards issued to blind, disabled or handicapped persons between October 16, 1989 and the effective date of this amendatory act, and which are valid on the effective date of this act, shall be made valid for the life of the holder unless canceled by the holder, upon presentation of proof that the blindness, disability, or handicap existed at the time of the original application. The director is authorized to require periodic verification of information included on any identification card issued for or valid for the life of the holder.

7. This act shall take effect immediately.

Approved January 29, 1993.

CHAPTER 35

AN ACT concerning the practice of architecture and amending R.S.45:3-10.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. R.S.45:3-10 is amended to read as follows:

Practice of architecture; what constitutes; exceptions.

45:3-10. No person except an architect licensed in the State of New Jersey shall engage in the practice of architecture, use the title "architect" or its substantial equivalent or otherwise represent to the public that that person is licensed to practice architecture in this State.

Any single act or transaction shall constitute engaging in business or in the practice of architecture within the meaning of this chapter.

Nothing herein contained shall prohibit students or employees of licensed architects from acting upon the authority of such licensed architects, whose certificates have not been revoked, suspended or forfeited, where said students or employees are under the immediate supervision of such licensed architect, or to prohibit any person in this State from acting as designer of a dwelling and all appurtenances thereto that are to be constructed by himself solely as a residence for himself or for a member or members of his immediate family.

Nothing herein contained shall prohibit: any builder registered pursuant to "The New Home Warranty and Builders' Registration Act," P.L.1977, c.467 (C.46:3B-1 et seq.), from advertising, offering or performing design services in the construction of one or two family detached homes; or any home improvement contractor from advertising, offering or performing design services to the owner occupants of one or two family detached dwellings in connection with demolitions, enlargements or alterations made thereto, until a time that it becomes necessary for either such a registered builder or a home improvement contractor to make application for a construction permit pursuant to the "State Uniform Construction Code Act," P.L.1975, c.217 (C.52:27D-119 et seq.).

No licensed architect shall permit his name to be used in connection with the name of any other person not licensed to practice architecture in this State in any advertisement, sign, card or device in such a manner as to indicate that such other person is a licensed architect.

Nothing herein contained shall prohibit professional engineers from designing buildings consistent with section 7 of the "Building Design Services Act," P.L.1989, c.277 (C.45:4B-7).

Nothing herein contained shall prohibit professional engineers from offering building design services consistent with section 7 or 8 of the "Building Design Services Act," P.L.1989, c.277 (C.45:4B-7 or 45:4B-8).

2. This act shall take effect immediately.

Approved February 3, 1993.

CHAPTER 36

AN ACT concerning the sale, lease, or exchange of real property or capital improvements owned by counties, and supplementing P.L.1971, c.199 (C.40A:12-1 et seq.).

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

C.40A:12-13.5 Sale, lease or exchange of real property or capital improvement by counties; conditions; fees.

1. a. In addition to any other applicable requirements of law, no county may sell, lease for a term of 20 years or more, or exchange any real property or capital improvement for any purpose unless the county first:

(1) Prepares a report identifying the reasons for, and all advantages and disadvantages and benefits and detriments of, the proposed sale, lease, or exchange; assessing the environmental and recreational impact of that proposed sale, lease, or exchange, including, but not limited to, the impact on endangered species and nongame species as defined and regulated pursuant to P.L.1973, c.309 (C.23:2A-1 et seq.), and endangered plant species as defined and regulated pursuant to P.L.1989, c.56 (C.13:1B-15.151 et seq.); and assessing the environmental and economic value of the real property or capital improvement proposed to be sold, leased, or exchanged under both its current and proposed use;

(2) Makes the report required to be prepared pursuant to paragraph (1) of this subsection available upon request, at no cost or

at the cost of reproduction, to the public at least 30 days in advance of the date of the first scheduled public hearing required pursuant to paragraph (3) of this subsection, and at each of the two public hearings; and

(3) Conducts two public hearings on the proposed sale, lease, or exchange at least 14 days apart and at least 90 days in advance of the date of the proposed sale, lease, or exchange. Of the two public hearings, one shall be held in the county seat, and the other in the municipality wherein the real property or capital improvement proposed to be sold, leased, or exchanged is located or, if that is not practicable, in a municipality as close thereto as can reasonably be arranged. At each such hearing, the county shall explain the proposed sale, lease, or exchange and indicate the consideration to be received by the county for agreeing to the proposed sale, lease, or exchange.

Notwithstanding the provisions of this paragraph to the contrary, in the case of real property or a capital improvement that is proposed to be sold, leased, or exchanged which is located within the municipality that serves as the county seat, only one public hearing need be held.

b. The county may assess and collect a reasonable fee from any person to whom real property or a capital improvement may be sold, leased, or exchanged pursuant to this act, which fee shall cover the administrative and any other costs incurred by the county in complying with the provisions and requirements of this act. The fee shall be payable whether or not the real property or capital improvement is in fact eventually sold, leased, or exchanged to such person.

C.40A:12-13.6 Notice of public hearing.

2. In addition to any other applicable requirements of law, the county shall provide notice of any public hearing required pursuant to section 1 of this act at least 30 days in advance of the date of the hearing as follows:

a. By mailing a copy of the notice to:

(1) all parties to the proposed sale, lease, or exchange, if known;

(2) the governing body and municipal clerk of every municipality within the county; and

(3) any person who requests in writing of the county to receive in advance such notices;

b. By serving or mailing a copy of the notice on owners of all real property, as shown on the current tax duplicates, located within the State and within 200 feet in all directions of the real property or capital improvement that is the subject of the public hearing in the manner prescribed pursuant to subsection b. of section 7.1 of P.L.1975, c.291 (C.40:55D-12); and

c. By publishing the notice in a daily or weekly newspaper of general circulation in the county and in the municipality in which the real property or capital improvement proposed to be sold, lease, or exchanged is located.

C.40A:12-13.7 Contents of notice of public hearing.

3. The following information shall be included in all notices required pursuant to section 2 of this act:

a. A general description and the location of the real property or capital improvement proposed to be sold, leased, or exchanged, including the street address, if any, and the lot and block numbers from the currently applicable municipal tax map. In the case of an exchange, the notice shall also include a general description and the location of the real property or capital improvement proposed to be transferred to the county, including the street address, if any, and the lot and block numbers from the currently applicable municipal tax map;

b. The name of the parties to the proposed sale, lease, or exchange, if known;

c. A description of the current and proposed use of the real property or capital improvement proposed to be sold, leased, or exchanged;

d. The date, time, and place of the public hearing;

e. A statement that the public may submit written comments to the county on or before the date of the public hearing;

f. A brief description of the comment procedures;

g. The name and address of the person in the county designated to receive written comments and to contact for additional information and copies of any reports, analyses, hearing transcripts, or appraisals of value prepared concerning the proposed sale, lease, or exchange; and

h. Any additional information considered by the county to be necessary or appropriate.

C.40A:12-13.8 Bid acceptance by county; conditions.

4. A county shall not accept any bid for any real property or capital improvement to be sold, leased for a term of 20 years or more, or exchanged pursuant to P.L.1971, c.199 (C.40A:12-1 et seq.) unless such acceptance is conditioned upon compliance with the requirements of this act. Upon fulfillment of those requirements, a county shall reaffirm its acceptance of, or reject, the bid

based upon the report and the testimony taken at the public hearings required pursuant to section 1 of this act.

5. This act shall take effect immediately, and shall apply retroactively to any proposed sale, lease for a term of 20 years or more, or exchange of real property or capital improvement by a county for which a contract has not been signed as of the effective date of this act.

Approved February 3, 1993.

CHAPTER 37

AN ACT concerning county and municipal parks, open space, and playgrounds, and amending R.S.40:12-10, R.S.40:12-12, and R.S.40:12-14.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. R.S.40:12-10 is amended to read as follows:

Establishment, maintenance, and improvement of public recreation system; amount levied; "open space" defined.

40:12-10. a. The governing body of every municipality or county, in which the voters have adopted or shall adopt a proposition for the establishment, maintenance, and improvement of a system of public recreation as hereinafter provided, shall establish, maintain, and improve, or maintain and improve if already established, a system of public recreation including parks, open space, and playgrounds, and shall annually levy and appropriate for the establishment, maintenance, and improvement thereof an amount in accordance with the sum or rate specified in the petition and on the ballot, or in the resolution and on the ballot, as hereinafter provided.

b. The amount levied and appropriated pursuant to R.S.40:12-10 through R.S.40:12-14 may be in addition to any other revenue or moneys otherwise required or authorized to be raised and appropriated pursuant to law for such purposes, notwithstanding any law, rule, or regulation to the contrary.

c. For the purposes of R.S.40:12-10 through R.S.40:12-14:

"Open space" means land or water areas to be retained in a largely natural or undeveloped state, for purposes of, among other things, providing parkland or green spaces, protecting ecologically sensitive areas, preserving flora and wildlife, or protecting or preserving areas of scenic, historic and cultural value, while at the same time affording, whenever practicable, public outdoor recreational opportunities for the residents of a county or municipality, and may include a recreational area such as a golf course.

2. R.S.40:12-12 is amended to read as follows:

Ballot; form and content; vote required.

40:12-12. The proposition shall be in substantially the following form:

☐ YES ☐ NO	"Shall the municipality or county of .... establish a system of public recreation including parks, open space, and playgrounds, and annually levy the sum of .... , or at a rate of .... , so as to raise revenue for the establishment, maintenance, and improvement of the public recreation system, and annually appropriate that revenue for that purpose?"

If a majority of the votes cast on such proposition be in favor thereof, it shall be adopted. In municipalities or counties where such a public recreation system including parks, open space, or playgrounds is already established, whether in accordance with R.S.40:12-10 through R.S.40:12-14 or as otherwise authorized pursuant to law, the question solely of maintenance and improvements may be submitted and reference to establishment may be omitted.

3. R.S.40:12-14 is amended to read as follows:

Joint municipal action.

40:12-14. Any two or more municipalities may jointly establish, maintain, and improve, or maintain and improve if already established, a public recreation system including parks, open space, and playgrounds, as provided in R.S.40:12-10 through R.S.40:12-13.

4. This act shall take effect immediately.

Approved February 3, 1993.

CHAPTER 38

AN ACT concerning the conveyance of certain State-owned lands, amending P.L.1958, c.93, P.L.1961, c.45, P.L.1962, c.220, P.L.1971, c.419, P.L.1975, c.155, and P.L.1983, c.324, and supplementing Title 13 of the Revised Statutes.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

C.13:1D-51 Definitions.

1. As used in sections 1 through 7 of this amendatory and supplementary act:

"Commissioner" means the Commissioner of the Department of Environmental Protection.

"Convey" means to sell, exchange, lease for a term of 25 years or more, grant, or agree to sell, exchange, lease for a term of 25 years or more, or grant, in an amount greater than one acre.

"Department" means the Department of Environmental Protection, or any agency, division, or office thereof.

"Green Acres funds" means any funds made available for the acquisition or development of lands by the State for recreation and conservation purposes pursuant to: P.L.1961, c.46; P.L.1971, c.165; P.L.1974, c.102; P.L.1978, c.118; P.L.1983, c.354; P.L.1987, c.265; and P.L.1989, c.183; or any similar act for such purposes that may be enacted, or any such funds administered pursuant to P.L.1961, c.45 (C.13:8A-1 et seq.), P.L.1971, c.419 (C.13:8A-19 et seq.), and P.L.1975, c.155 (C.13:8A-35 et seq.), or any similar act for such purposes that may be enacted.

"Land" or "lands" means real property, including improvements thereof or thereon, rights-of-way, water, riparian and other rights, easements, and privileges, and all other rights or interests of any kind or description in, relating to, or connected with real property.

"Minor conveyance" means a conveyance or proposed conveyance of lands acquired or developed by the State with Green Acres funds, or acquired or developed by the State in any other manner and administered by the department, which lands shall be greater than one acre but less than five acres in size and valued at less than $50,000, and which conveyance or proposed conveyance under law requires the approval of the State House Commission established pursuant to R.S.52:20-1 et seq.

C.13:1D-52 Conditions for conveyance of lands; fees.

2. a. No lands acquired or developed by the State with Green Acres funds, or acquired or developed by the State in any other manner and administered by the Department of Environmental Protection, or any agency of the department, may be conveyed unless the department first:

(1) Prepares a report identifying the reasons for, and all advantages and disadvantages and benefits and detriments of, the proposed conveyance; assessing the environmental and recreational impact of that proposed conveyance, including, but not limited to, the impact on endangered species and nongame species as defined and regulated pursuant to P.L.1973, c.309 (C.23:2A-1 et seq.), and endangered plant species as defined and regulated pursuant to P.L.1989, c.56 (C.13:1B-15.151 et seq.); and assessing the environmental and economic value of the lands proposed to be conveyed under both their current and proposed uses;

(2) Transmits the report required to be prepared pursuant to paragraph (1) of this subsection at least 30 days in advance of the date of the first scheduled public hearing required pursuant to paragraph (4) of this subsection to the chairpersons of the Senate Environment Committee, the Senate State Government Committee, the Senate Budget and Appropriations Committee, the Assembly Environment Committee, the Assembly State Government Committee, and the Assembly Appropriations Committee, or the successors of those committees as designated by the President of the Senate for the Senate committees and by the Speaker of the General Assembly for the Assembly committees, and to the State House Commission;

(3) Makes the report required to be prepared pursuant to paragraph (1) of this subsection available upon request, at no cost or at the cost of reproduction, to the public at least 30 days in advance of the date of the first scheduled public hearing required pursuant to paragraph (4) of this subsection, and at each of the two public hearings;

(4) In addition to any other applicable requirements of law, rule, or regulation, conducts two public hearings on the proposed conveyance at least 14 days apart and at least 90 days in advance of the date on which the proposed conveyance is scheduled to be considered by the State House Commission, or, if review by the State House Commission is not required under law, then at least 90 days in advance of the date of the proposed conveyance. Of the two public hearings, one shall be held in the City of Trenton, Mercer county, and the other in the municipality wherein the lands proposed to be conveyed are located or, if that is not practicable, in a municipality as close thereto as can reasonably be

arranged. At each such hearing, the department shall explain the proposed conveyance and indicate the consideration to be received by the State for agreeing to the proposed conveyance.

Notwithstanding the provisions of this subsection to the contrary, in the case of a minor conveyance, a public hearing shall be held in accordance with this subsection in the municipality wherein the lands proposed to be conveyed are located or, if that is not practicable, in a municipality as close thereto as can reasonably be arranged, but no second public hearing in the City of Trenton need be held as otherwise required pursuant to this subsection. Any subsequent conveyance or proposed conveyance involving lands contiguous to those considered under the minor conveyance exception of this paragraph shall not be considered a minor conveyance for the purposes of this amendatory and supplementary act, notwithstanding that the conveyance or proposed conveyance may otherwise meet the definition of a minor conveyance as set forth in section 1 of this amendatory and supplementary act.

b. The department may assess and collect a reasonable fee from any person to whom lands may be conveyed pursuant to this amendatory and supplementary act, which fee shall cover the administrative and any other costs incurred by the department in complying with the provisions and requirements of this amendatory and supplementary act. The fee shall be payable whether or not the lands are in fact eventually conveyed to such person.

C.13:1D-53 Notice of public hearing.

3. In addition to any other applicable requirements of law, rule, or regulation, the department shall provide notice of any public hearing required pursuant to paragraph (4) of subsection a. of section 2 of this amendatory and supplementary act at least 30 days in advance of the date of the hearing as follows:

a. By mailing a copy of the notice to:

(1) all parties to the proposed conveyance;

(2) the governing body, county clerk, and municipal clerk of every county and municipality in which the lands proposed to be conveyed are located; and

(3) any person who requests in writing of the department to receive in advance such notices;

b. By publishing the notice in a daily or weekly newspaper of general circulation in each county and municipality in which the lands proposed to be conveyed are located;

c. By publishing a notice in the New Jersey Register; and

d. By publishing a notice in the Department of Environmental Protection Monthly Bulletin.

C.13:1D-54 Information included in notices.

4. The department shall include the following information in all notices required pursuant to section 3 of this amendatory and supplementary act:

a. A general description and the location of the lands proposed to be conveyed, including the street address, if any, and the lot and block numbers from the currently applicable municipal tax map. In the case of an exchange, the notice shall also include a general description and the location of the lands proposed to be conveyed to the State, including the street address, if any, and the lot and block numbers from the currently applicable municipal tax map;

b. The name of the parties to the proposed conveyance;

c. A description of the current and proposed use of the lands proposed to be conveyed;

d. The date, time, and place of the public hearing;

e. A statement that the public may submit written comments to the department on or before the date of the public hearing;

f. A brief description of the comment procedures;

g. The name and address of the person in the administering agency, division, or office designated to receive written comments and to contact for additional information and copies of any reports, analyses, hearing transcripts, or appraisals of value prepared concerning the proposed conveyance; and

h. Any additional information considered by the department to be necessary or appropriate.

C.13:1D-55 Submission of summary, transcripts of public hearing.

5. The appropriate agency, division, or office within the department conducting a public hearing required pursuant to paragraph (4) of subsection a. of section 2 of this amendatory and supplementary act shall submit to the commissioner, and to the State House Commission for any conveyance of lands requiring, pursuant to law, review by the commission, a summary of the written comments received and the testimony heard at each public hearing pertaining to the proposed conveyance within 30 days after the date on which the public hearing was held. Transcripts of any public hearing shall also be made available to the State House Commission and, upon request, to the public within that time period.

C.13:1D-56 Valuation of lands; terms as covenants running with the land.

6. a. For the purpose of determining the amount of consideration to be paid or transferred to the State in exchange for conveying lands acquired or developed by the State with Green Acres funds, or acquired or developed by the State in any other manner and administered by the department, the value of such lands shall be based upon their intended use upon conveyance or upon their highest and best use, whichever shall provide to the State the greatest value in return.

b. If lands acquired or developed by the State with Green Acres funds, or acquired or developed by the State in any other manner and administered by the department, are conveyed, and within 25 years after the date of the conveyance the governing body of the municipality wherein the lands are located proposes to amend or revise for any reason the zoning ordinance as it pertains to those lands, or the zoning board of adjustment or planning board of the municipality receives an application for a variance from the zoning regulations or requirements pertaining to those lands, the governing body, zoning board of adjustment, or planning board, as the case may be, shall notify the commissioner in writing at least 30 days prior to taking action on the proposed amendment or revision to the zoning ordinance or variance application, as the case may be, according to procedures to be developed therefor by the department pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.).

c. (1) If the governing body of the municipality wherein the lands are located amends or revises for any reason the zoning ordinance as it pertains to those lands, or the zoning board of adjustment or planning board of the municipality grants a variance from the zoning regulations or requirements pertaining to those lands, as the case may be, within 25 years after the date of conveyance of the lands by the State, and that amendment or revision of the zoning ordinance or grant of a variance results in an increase in the value of the lands, an amount of money equal to that increase in value measured as of the effective date of the amendment or revision of the zoning ordinance or grant of a variance, as the case may be, shall be paid to the department by the then current owner of the lands within 60 days after the date of the last public hearing required pursuant to paragraph (3) of this subsection, or if a court determination of the value is required pursuant to paragraph (2) of this subsection, within 60 days after the date of the court's judgment, for deposit and use by the department pursuant to section 7 of this amendatory and supplementary act. In addition, the current owner of the lands on the effective date of the first amendment or revision of the zoning ordinance or first grant of a variance pertaining to those lands, as the case may be, shall dedicate 20% of the lands for use as public open space.

(2) If the department and the then current owner are unable to agree on the amount of the increased value resulting from an amendment or revision of the zoning ordinance or grant of a variance pertaining to the lands, as the case may be, the value shall be decided in a summary proceeding before the Superior Court.

(3) The department shall not agree to any determination of the amount of money equal to an increased value unless it has first conducted two additional public hearings and given appropriate notice of its intentions according to the procedures set forth in sections 2, 3, and 4 of this amendatory and supplementary act.

(4) If the current owner of the lands on the effective date of any amendment or revision of the zoning ordinance or grant of a variance pertaining to those lands, as the case may be, is unable to pay an amount of money equal to the increase in value required pursuant to this subsection, the lands shall revert to the State and shall be managed by the department for the same purposes as they were immediately prior to the original conveyance by the State.

d. The department may accept land of equivalent or greater value in lieu of any payment required pursuant to subsection c. of this section, but prior to doing so, the department shall comply with the requirements of paragraph (3) of that subsection.

e. The terms of subsections b., c., and d. of this section shall be incorporated into any contract of sale, lease, or other similar instrument, as well as any deed or other instrument of conveyance, involving the lands, and shall run with the land.

C.13:1D-57 Disposition of proceeds; management of lands.

7. a. Except as provided pursuant to section 8 of P.L.1983, c.324 (C.13:1L-8) and sections 1 and 3 of P.L.1958, c.93 (C.23:8A-1 and C.23:8A-3), any proceeds obtained from the conveyance of lands acquired or developed by the State with Green Acres funds, or acquired or developed by the State in any other manner and administered by the department, shall be deposited in the appropriate Green Acres fund or such other fund that may be specially created therefor, to be appropriated to, and utilized by, the department for the acquisition of lands by the State for recreation and conservation purposes.

b. Except as provided pursuant to section 8 of P.L.1983, c.324 (C.13:1L-8) and sections 1 and 3 of P.L.1958, c.93 (C.23:8A-1 and C.23:8A-3), any lands obtained in exchange for lands acquired or developed by the State with Green Acres funds, or acquired or developed by the State in any other manner and administered by the department, shall be managed by the department for the same purposes as those lands of the State that were exchanged.

8. Section 8 of P.L.1983, c.324 (C.13:1L-8) is amended to read as follows:

C.13:1L-8 Authority to exchange lands.

8. The department shall have the authority to sell, lease or exchange any lands or any interest therein, except those lands or interests acquired pursuant to the Green Acres program, for the acquisition of any other lands or interests therein for incorporation into the State park and forest system. Any such sale, lease or exchange shall be executed in accordance with P.L.1993, c.38 (C.13:1D-51 et al.).

9. Section 13 of P.L.1961, c.45 (C.13:8A-13) is amended to read as follows:

C.13:8A-13 Disposal of acquired land; disposition of returned moneys.

13. (a) Lands acquired by a local unit with the aid of a grant under this act shall not be disposed of or diverted to a use for other than recreation and conservation purposes without the approval of the commissioner and the State House Commission. Such approval of the State House Commission shall not be given unless the local unit shall agree to pay an amount equal to 50% of the value of such land, as determined by the commission, into the State Recreation and Conservation Land Acquisition Fund, if the original grant shall have been made from that fund, or, if not, then into the State Treasury. Money so returned to said fund shall be deemed wholly a part of the portion of that fund available for grants to local units under this act.

(b) Lands acquired by the State under this act with money from the State Recreation and Conservation Land Acquisition Fund shall not be disposed of or diverted to use for other than recreation and conservation purposes without the approval of the State House Commission and unless the disposal or diversion is executed in accordance with P.L.1993, c.38 (C.13:1D-51 et al.). Such approval shall not be given unless the commissioner shall agree to pay an amount equal to the value of such land, as determined by the commission, into that fund. Money so returned to said fund shall be deemed wholly a part of the portion of that fund available for land acquisition by the State under this act.

(c) If land acquired by the State under this act with money from the State Recreation and Conservation Land Acquisition Fund is subsequently developed for any water supply projects, the commissioner shall pay an amount equal to the value of the land so developed, as said value is determined by the State House Commission, into that fund. Money so returned to the fund shall be deemed wholly a part of the portion of that fund available for land acquisition by the State under this act. The commissioner shall make said payment from any funds available for such purpose in the State Water Development Fund or other water development moneys appropriated and available for such purpose.

10. Section 13 of P.L.1971, c.419 (C.13:8A-31) is amended to read as follows:

C.13:8A-31 Use of acquired lands.

13. a. Lands acquired by a local unit with the aid of a grant under this act shall not be disposed of or diverted to a use for other than recreation and conservation purposes without the approval of the commissioner and the State House Commission and following a public hearing at least one month prior to any such approvals. Such approval of the State House Commission shall not be given unless the local unit shall agree to pay an amount equal to 50% of the current value of such land, as determined by the commission, into the State Recreation and Conservation Land Acquisition Fund, if the original grant shall have been made from that fund, or, if not, then into the State Treasury. Money so returned to said fund shall be deemed wholly a part of the portion of that fund available for grants to local units under this act.

b. Lands acquired by the State under this act with money from the State Recreation and Conservation Land Acquisition Fund shall not be disposed of or diverted to use for other than recreation and conservation purposes without the approval of the State House Commission and unless the disposal or diversion is executed in accordance with P.L.1993, c.38 (C.13:1D-51 et al.). Such approval shall not be given unless the commissioner shall agree to pay an amount equal to the value of such land, as determined by the commission, into that fund. Money so returned to said fund shall be deemed wholly a part of the portion of that fund available for land acquisition by the State under this act.

c. If land acquired by the State under this act with money from the State Recreation and Conservation Land Acquisition Fund is subsequently developed for any water supply projects, the commissioner shall pay an amount equal to the current value of the land so developed, as said value is determined by the State House Commission, into that fund. Money so returned to the fund shall be deemed wholly a part of the portion of that fund available for land acquisition by the State under this act. The commissioner shall make said payment from any funds available for such purpose in the State Water Development Fund or other water development moneys appropriated and available for such purpose.

11. Section 14 of P.L.1975, c.155 (C.13:8A-48) is amended to read as follows:

C.13:8A-48 Disposition of lands acquired by State; approval.

14. a. Lands acquired or developed by the State under this act with money from the State Recreation and Conservation Land Acquisition and Development Fund shall not be disposed of or diverted to use for other than recreation and conservation purposes without the approval of the State House Commission and unless the disposal or diversion is executed in accordance with P.L.1993, c.38 (C.13:1D-51 et al.). Such approval shall not be given unless the commissioner shall agree to pay an amount equal to the value of such land, as determined by the commission, into that fund. Money so returned to said fund shall be deemed wholly a part of the portion of that fund available for land acquisition or development by the State under this act.

b. If land acquired by the State under this act with money from the State Recreation and Conservation Land Acquisition and Development Fund is subsequently developed for any water supply projects, the commissioner shall pay an amount equal to the current value of the land so developed, as said value is determined by the State House Commission, into that fund. Money so returned to the fund shall be deemed wholly a part of the portion of that fund available for land acquisition and development by the State under this act. The commissioner shall make said payment from any funds available for such purpose from the State Water Development Fund or other water development moneys appropriated and available for such purpose.

12. Section 1 of P.L.1958, c.93 (C.23:8A-1) is amended to read as follows:

C.23:8A-1 Sale, lease or exchange by commissioner; terms and conditions.

1. In any case where the Commissioner of the Department of Environmental Protection finds that the best interests of the State will be served thereby, he shall have the power and authority to sell, lease or exchange for other lands or property, any areas of land, water, or land and water, or any interest therein, belonging to the State, acquired exclusively for public hunting and fishing grounds and game refuges, and assigned to the Division of Fish, Game and Wildlife, provided, however, that the Fish and Game Council shall be given an opportunity to review any proposed sale, lease or exchange and to make recommendations thereon to the Commissioner of the Department of Environmental Protection before such sale, lease, or exchange is executed, and that it shall be executed in accordance with P.L.1993, c.38 (C.13:1D-51 et al.). Such sales, leases or exchanges shall be made in the name of the State of New Jersey and executed by the Commissioner of Environmental Protection at such price and upon such terms and conditions as shall be fixed by the State House Commission.

13. Section 1 of P.L.1962, c.220 (C.52:31-1.1) is amended to read as follows:

C.52:31-1.1 Sale, conveyance of State's interest; terms; conditions; public hearing; proceeds.

1. The head or principal executive of any State department, with the written approval of the Governor, is hereby authorized to sell and convey all or any part of the State's interest in any real property and the improvements thereon held by the department or to grant an easement in or across such property if he shall find that his department does not require such property or interest for any public purpose and that such sale is in the best interests of the State or that a grant of such easement is in the best interests of the State.

The sale or grant shall be upon such terms and conditions as the State House Commission shall determine to be in the best interests of the State and shall be by public auction to the highest bidder unless the commission shall otherwise direct.

In the case of lands subject to the provisions of P.L.1993, c.38 (C.13:1D-51 et al.), the State House Commission shall conduct a public hearing at least 90 days in advance of determining the terms and conditions of the sale or conveyance. In addition to any other applicable requirements of law, rule, or regulation concerning notice for public hearings, the State House Commission shall provide notice of the public hearing at least 30 days in advance of the date of the hearing in the same manner and according to the same procedures prescribed for the Department of Environmental Protection pursuant to sections 3 and 4 of P.L.1993, c.38 (C.13:1D-53 and C.13:1D-54). Any meeting at which the State House Commission is to determine the terms and conditions of the sale or conveyance or to decide to approve or disapprove a conveyance of lands subject to the provisions of P.L.1993, c.38 (C.13:1D-51 et al.) shall be open to the public, and the commission shall provide public notice of any such meeting at least 30 days prior thereto.

The proceeds from the sale of any property or interest in property sold pursuant to the provisions of this section or from the grant of an easement shall be paid into the General Treasury of the State, except, in the case of lands subject to the provisions of P.L.1993, c.38 (C.13:1D-51 et al.), the proceeds shall be deposited, appropriated, and utilized as prescribed pursuant to section 7 of P.L.1993, c.38 (C.13:1D-57).

14. This act shall take effect immediately.

Approved February 4, 1993.

CHAPTER 39

AN ACT establishing continuing professional competency requirements for land surveyors and supplementing P.L.1938, c.342 (C.45:8-27).

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

C.45:8-35.2 Continuing professional competency credits required for certification.

1. The State Board of Professional Engineers and Land Surveyors shall require each person licensed as a land surveyor, as a condition for biennial certification pursuant to P.L.1938, c.342 (C.45:8-27 et seq.) and P.L.1972, c.108 (C.45:1-7), to complete not more than 24 credits of continuing professional competency

relating to the practice of land surveying, as provided in section 2 of this act, during each biennial registration period.

C.45:8-35.3 Duties of board.

2. a. The board shall:

(1) Establish standards for continuing professional competency in land surveying, including the subject matter and content of courses of study, which shall be in conformity with a national model, such as that of the National Council of Examiners for Engineering and Surveying;

(2) Approve educational programs offering credit towards the continuing professional competency in land surveying requirements; and

(3) Approve other equivalent educational programs, including, but not limited to, meetings of constituents and components of land surveying associations and other appropriate professional and technical associations recognized by the board, examinations, papers, publications, technical presentations, teaching and research appointments and technical exhibits, and shall establish procedures for the issuance of credit upon satisfactory proof of the completion of these programs.

b. In the case of education courses and programs, each hour of instruction shall be equivalent to one credit.

C.45:8-35.4 Board to establish procedures.

3. The board shall:

a. Establish procedures for monitoring compliance with the land surveying continuing professional competency requirements; and

b. Establish procedures to evaluate and grant approval to providers of continuing professional competency in land surveying.

C.45:8-35.5 Board may waive requirements.

4. The board may, in its discretion, waive requirements for continuing professional competency in land surveying on an individual basis for reasons of hardship such as illness or disability, service in the armed forces of the United States of America, retirement of the license, or other good cause.

C.45:8-35.6 Credits not required for initial registration.

5. The board shall not require completion of land surveying continuing professional competency credits for initial registration.

C.45:8-35.7 Prorating of credits.

6. a. The board shall not require completion of land surveying continuing professional competency credits for any certification periods commencing within 12 months of the effective date of this act.

b. The board shall require completion of land surveying continuing professional competency credits on a pro rata basis for any certification periods commencing more than 12 but less than 24 months following the effective date of this act.

C.45:8-35.8 Proof of completion of credits.

7. The board shall accept as proof of completion of continuing professional competency program credits documentation submitted by a person licensed as a land surveyor or by any entity offering a continuing professional competency program approved by the board pursuant to section 2 of this act.

C.45:8-35.9 Failure to complete professional competency requirements; penalty.

8. Any person who fails to complete the continuing professional competency requirements established pursuant to section 1 of this act shall be liable to a civil penalty of not more than $500 or additional hours of continuing professional competency in land surveying, or both, as imposed by the board, for a first offense. A second or subsequent offense by a licensee shall be considered professional misconduct pursuant to the provisions of P.L.1938, c.342 (C.45:8-27 et seq.) and P.L.1978, c.73 (C.45:1-14 et seq.).

C.45:8-35.10 Carryover of credits.

9. The board shall allow a land surveyor to carry over a maximum of eight continuing professional competency credits to the next biennial certification period.

10. This act shall take effect on the 180th day following enactment.

Approved February 4, 1993.

CHAPTER 40

AN ACT concerning the salaries of council aides in certain cities of the first class and amending P.L.1973, c.89.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. Section 1 of P.L.1973, c.89 (C.40:69A-60.5) is amended to read as follows:

C.40:69A-60.5 Appointment of executive secretary, aides for council member; terms; compensation.

1. The municipal council of any municipality having a population of more than 270,000 which, prior to January 9, 1982 had adopted the form of government designated as "Mayor-Council Plan C" provided for in article 5 of P.L.1950, c.210 (C.40:69A-55 et seq.), may appoint an executive secretary and not more than four aides for each council member, who shall serve, and be removable at the pleasure of the council member, and who shall serve in the unclassified service of the civil service of the city and shall receive such salary as shall be fixed by ordinance, but said salary shall not exceed the salaries of persons holding the positions of executive secretary or aide on April 26, 1985. Persons appointed pursuant to this section may have their salaries increased on a periodic basis in accordance with the recommendation in an annual merit evaluation for each aide, to be filed with the municipal clerk by the council members, but not in excess of the average percentage increase granted to other municipal employees in the same period.

The municipal council of any municipality having a population of more than 200,000, but less than 270,000, which, prior to January 9, 1982, had adopted the form of government designated as "Mayor-Council Plan C" provided for in article 5 of P.L.1950, c.210 (C.40:69A-55 et seq.) may appoint not more than one aide for each council member, who shall serve, and be removable at the pleasure of the council member, and who shall serve in the unclassified service of the civil service of the city and shall receive a salary as shall be fixed by ordinance, except that the salary so fixed shall not exceed $10,000.00.

No municipality shall adopt the provisions of this section on or after October 26, 1985.

2. This act shall take effect immediately.

Approved February 4, 1993.

CHAPTER 41

An Act to validate certain proceedings for the issuance of bonds of school districts and any bonds or other obligations issued or to be issued pursuant to such proceedings.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. All proceedings heretofore had or taken by any school district or at any school election for the authorization or issuance of bonds of the school district and any bonds or other obligations of the school district issued or to be issued in pursuance of any proposal adopted by the legal voters at such meeting or election, are hereby ratified, validated and confirmed, notwithstanding that the supplemental debt statement required by N.J.S.18A:24-16 was incorrectly prepared and filed in accordance with the provisions of N.J.S.18A:24-17; provided, however, that the corrected supplemental debt statement has heretofore been made, sworn to, and filed in the place or places required by N.J.S.18A:24-16 and N.J.S.18A:24-17; and, provided, however, that no action, suit, or other proceeding of any nature to contest the validity of such proceedings has heretofore been instituted prior to the date upon which this act shall take effect and within the time fixed therefor by or pursuant to law or rule of court, or when such time has not heretofore expired, if instituted within 15 days after the effective date of this act.

2. This act shall take effect immediately.

Approved February 4, 1993.

CHAPTER 42

AN ACT concerning supplemental annuity accounts and amending P.L.1963, c.123.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. Section 11 of P.L.1963, c.123 (C.52:18A-117) is amended to read as follows:

C.52:18A-117 Variable retirement benefit, transfer of outstanding loan balance.

11. a. Upon retirement under a State administered retirement system, a participant in the Variable Division shall receive a variable benefit under which the amount of the initial payment is deter-

mined by (1) appropriate actuarial factors as adopted from time to time by the council with the advice of the actuary, and by (2) the value of his account as of the close of the calendar month in which the retirement becomes effective; and the amount of each subsequent payment shall be determined so as to reflect the amounts distributed to the Variable Benefit Account in accordance with the provisions of section 10, pursuant to rules and regulations adopted by the council. The benefit payable to a retired participant shall be in the form of a life annuity, unless the participant requests, upon written application filed with the council prior to retirement, that the value of such benefit be paid as a single cash payment or under such other optional method of settlement as the council may establish by rules and regulations on the advice of the actuary. In the event the value of a participant's account at retirement results in an annuity with initial monthly payments of less than $10.00, the benefit shall be paid in a single cash payment.

b. A participant who is a member of the Public Employees' Retirement System of New Jersey or of the Teachers' Pension and Annuity Fund may request, upon written application filed with the council no earlier than 90 days and no later than 30 days before retirement, that an amount less than or equal to the outstanding balance of a loan borrowed from the retirement system under section 34 of P.L.1954, c.84 (C.43:15A-34) or N.J.S.18A:66-35 be subtracted and transferred from the participant's account and credited to the retirement system in repayment of that loan and that amount shall be transferred before determination of the benefit payable to the participant under subsection a. of this section.

2. Section 14 of P.L.1963, c.123 (C.52:18A-120) is amended to read as follows:

C.52:18A-120 Fixed retirement benefit; transfer of outstanding loan balance.

14. a. Upon retirement under a State administered retirement system, a participant in the Fixed Division shall receive a fixed benefit under which the initial payment is determined by (1) appropriate actuarial factors, as adopted from time to time by the council with the advice of the actuary, and by (2) the value of his account as of the close of the calendar month in which the retirement becomes effective; and each subsequent payment shall be in the same amount, for the term of the benefit. The benefit payable to a retired participant shall be in the form of a life annuity, unless the participant requests, upon written application filed

with the council prior to retirement, that the value of such benefit be paid as a single cash payment or under such other optional method of settlement as the council may establish by rules and regulations on the advice of the actuary. In the event the value of a participant's account at retirement results in an annuity with initial monthly payments of less than $10.00, the benefit shall be paid in a single cash payment.

b. A participant who is a member of the Public Employees' Retirement System of New Jersey or of the Teachers' Pension and Annuity Fund may request, upon written application filed with the council no earlier than 90 days and no later than 30 days before retirement, that an amount less than or equal to the outstanding balance of a loan borrowed from the retirement system under section 34 of P.L.1954, c.84 (C.43:15A-34) or N.J.S.18A:66-35 be subtracted and transferred from the participant's account and credited to the retirement system in repayment of that loan and that amount shall be transferred before determination of the benefit payable to the participant under subsection a. of this section.

3. This act shall take effect immediately.

Approved February 4, 1993.

CHAPTER 43

AN ACT requiring fetal alcohol syndrome warning notices and supplementing Title 33 of the Revised Statutes.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

C.33:1-12a Posting of notice required.

1. A person who holds a Class C license, except a plenary retail transit license, or a club license shall ensure that a warning notice prepared by the Department of Health is posted prominently in any service area as well as on a wall, towel dispenser or other appropriate location in any public rest room for women patrons on the licensed premises. The notice shall warn patrons that alcohol consumption during pregnancy has been determined to be harmful to the fetus and can cause birth defects, low birth

weight and Fetal Alcohol Syndrome, which is one of the leading causes of mental retardation.

2. The Department of Health shall prepare the notices required in section 1, in English and in Spanish, within two months after enactment of this act and shall distribute the notices to local boards of health for distribution to Class C licensees.

C.33:1-12b $50 fine.

3. A person who fails to comply with the provisions of this act may be subject to a fine of $50.

4. The Commissioner of Health, pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), shall adopt rules and regulations necessary to effectuate the provisions of this act.

5. This act shall take effect on the first day of the sixth month after enactment.

Approved February 7, 1993.

CHAPTER 44

AN ACT concerning retirement benefits for certain State employees.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. A State employee who:

a. is at least 50 years of age and has at least 25 years of service credit under the Public Employees' Retirement System (PERS) or the Teachers' Pension and Annuity Fund (TPAF), or service with public employers in this State participating in the Alternate Benefit Program (ABP) for which contributions were made by the employee under the program before the effective date of retirement;

b. files an application to retire on or before June 1, 1993; and

c. retires under the retirement system on or after April 1, 1993, but not later than July 1, 1993, other than a veteran who retires on a special veteran's retirement, shall receive an additional five years of service credit under PERS or TPAF, or an amount equal to 100% of the employee's base annual salary at the time of retirement from the employer for members of ABP. An employee who meets the age and service credit requirements under this section and retires on a special veteran's retirement under PERS or TPAF shall receive an additional pension under the retirement system in the amount of 5/60 of the compensation upon which the special retirement allowance is based. A full-time employee of the Rutgers University Cooperative Extension Service who meets the age and service requirements based upon service credited in the federal Civil Service Retirement System or the Federal Employees Retirement System earned as a result of full-time employment at Rutgers University alone, or in combination with service credit under PERS or qualifying service under ABP, and is eligible to retire under the federal Civil Service Retirement System or the Federal Employees Retirement System within the time period set forth in subsection c., shall receive the benefits provided by this section. If the employee is a member of the federal Civil Service Retirement System or the Federal Employees Retirement System, the employee shall receive an amount equal to 100% of the employee's base annual salary at the time of retirement from the employer. The amount payable to retirees under ABP and the federal retirement systems shall be paid in two equal installments with the first installment due not later than the thirtieth day after the effective date of retirement, and the second due not later than the same calendar day in the following calendar year. The additional retirement benefit provided under this section is applicable only to the full-time State employment from which an eligible employee retires to receive the benefit and the compensation for that employment.

2. For a State employee who:

a. is at least 60 years of age and has at least 20, but less than 25, years of service credit under the Public Employees' Retirement System (PERS) or the Teachers' Pension and Annuity Fund (TPAF), or service with public employers in this State participating in the Alternate Benefit Program (ABP) for which contributions were made by the employee under the program before the effective date of retirement;

b. files an application to retire on or before June 1, 1993; and

c. retires under the retirement system on or after April 1, 1993, but not later than July 1, 1993, the retirement system for PERS or TPAF members, or the State for ABP members, shall pay the premium or periodic charges for benefits provided to the retired State employee and the employee's dependents, but not including survivors, under the "New Jersey State Health Benefits Program Act," P.L.1961, c.49 (C.52:14-17.25 et seq.), in the same manner provided for State payment of premiums or periodic charges for retired State employees under subsection c. of section 8 of that act (C.52:14-17.32). A full-time employee of the Rutgers University Cooperative Extension Service who meets the age and service requirements based upon service credited in the federal Civil Service Retirement System or the Federal Employees Retirement System earned as a result of full-time employment at Rutgers University alone, or in combination with service credit under PERS or qualifying service under ABP, and is eligible to retire under the federal Civil Service Retirement System or the Federal Employees Retirement System within the time period set forth in subsection c., shall receive the benefits provided by this section. The State shall pay the premium or periodic charges for the benefits if the employee is a member of the federal Civil Service Retirement System or the Federal Employees Retirement System.

3. A State employee who:

a. is at least 60 years of age and has at least 10, but less than 20, years of service credit under the Public Employees' Retirement System (PERS) or the Teachers' Pension and Annuity Fund (TPAF), or service with public employers in this State participating in the Alternate Benefit Program (ABP) for which contributions were made by the employee under the program before the effective date of retirement;

b. files an application to retire on or before June 1, 1993; and

c. retires under the retirement system on or after April 1, 1993, but not later than July 1, 1993, shall receive an additional pension under PERS or TPAF, or payment from the employer for members of ABP, of $500 month in each of the 24 months following the date of retirement. A full-time employee of the Rutgers University Cooperative Extension Service who meets the age and service requirements based upon service credited in the federal Civil Service Retirement System or the Federal Employees Retirement System earned as a result of full-time employment at Rutgers University alone, or in combination with service credit under PERS or qualifying service under ABP, and is eligible to retire under the federal Civil Service Retirement System or the Federal Employees Retirement System within the time period set forth in subsection c., shall receive the benefits provided by this section for members of ABP.

4. The actuaries for PERS and TPAF shall determine the liabilities of the retirement systems for the additional service credit or pensions and health benefits payments provided under this act and for the early retirement of employees in accordance with the tables of actuarial assumptions adopted by the boards of trustees of the retirement systems. These liabilities shall be added to the unfunded accrued liabilities of the State under the retirement systems and shall be paid in the same manner and over the remaining time periods provided for the State's unfunded accrued liability under section 24 of P.L.1954, c.84 (C.43:15A-24) and N.J.S.18A:66-18, respectively. The State shall pay the cost of the actuarial work to determine the additional liabilities of the retirement systems for the benefits under this act.

5. The cost of the cash payments to members of ABP, the federal Civil Service Retirement System and the Federal Employees Retirement System under this act shall be funded by the employer from annual appropriations to the employer in the State Budget or from funds otherwise available for payment of operating expenditures.

6. A State employee who receives a benefit under this act shall forfeit all tenure rights.

7. Where the needs of State government or a State college or university require the services of an employee who elects to retire and receive a benefit under this act, a State department, with the approval of the State Treasurer, or a State college or university, with the approval of the State Board of Higher Education, may delay, with the consent of the employee, the effective retirement date of the employee until the first day of any calendar month after July 1, 1993, but not later than July 1, 1994. The effective retirement date of an employee of the Legislative or Judicial Branch of State government who elects to retire and receive a benefit under this act may be similarly delayed with the consent of the employee and with the approval of the Senate President in the case of an employee of the Senate, the Speaker of the General Assembly in the case of an employee of the General Assembly, the Legislative Services Commission in the case of an employee of the Office of Legislative Services, and the Chief Justice of the Supreme Court in

the case of an employee of the Judicial Branch. A delay in the effective retirement date of an employee shall not extend the dates set forth in sections 1 and 2 to qualify for benefits under this act.

For a member of PERS or TPAF whose effective retirement date is delayed under this section and who dies before the retirement becomes effective, the retirement shall be effective as of the first day of the month after the date of death of the member if the member's surviving beneficiary requests in writing to the board of trustees of the retirement system that the retirement be effective under the option settlement selected by the member, or under Option 3 if the member did not select an option.

8. A State employee retiring under PERS or TPAF with a benefit under this act who has not repaid the full amount of a loan from the retirement system by the effective date of retirement, may repay the loan through deductions from the member's retirement benefit payments in the same monthly amount which was deducted from the member's compensation immediately preceding retirement until the balance of the amount borrowed together with interest at the statutory rate is repaid. If the retiree dies before the outstanding balance of the loan and interest is repaid, the remaining amount shall be repaid as provided in section 2 of P.L.1981, c.55 (C.43:15A-34.1) or section 2 of P.L.1981, c.212 (C.18A:66-35.1), as appropriate.

9. The provisions of this act shall not apply to any State employee who would be required to retire on or before July 1, 1993 under any statute, under any rule or regulation adopted by an employer of State employees, or under the provisions of any applicable contract of employment.

10. For the purposes of this act:

a. "State employee" means a full-time employee, eligible to participate in the New Jersey State Health Benefits Program, of the State of New Jersey, or Rutgers, The State University, the New Jersey Institute of Technology, the University of Medicine and Dentistry of New Jersey, or a State college. It does not include an employee of an authority, board, commission, corporation, or other agency or instrumentality, other than Rutgers, The State University, authorized to participate in PERS under section 73 of P.L.1954, c.84 (C.43:15A-73) or P.L.1990, c.25 (C.43:15A-

73.2 et seq.), or a public agency or organization as defined in section 71 of P.L.1954, c.84 (C.43:15A-71).

b. "Final year compensation" means the compensation received in the last 12 months immediately preceding retirement in which compensation is received and upon which contributions are made by the employee to the retirement system.

11. The Director of the Division of Pensions and Benefits may promulgate rules and regulations which the director deems necessary for the effective implementation of this act.

12. Notwithstanding the provisions of any law to the contrary, an amount not to exceed $2.24 million may be expended by the Division of Pensions and Benefits for administration of this act and shall be charged to the funds of the retirement systems affected by this act which are established by law to receive employer contributions or payments. Receipts from such charges, payable on a schedule to be determined by the Director of the Division of Budget and Accounting, shall be deposited in the General Fund and anticipated as revenue thereto. These expenses charged to each retirement system shall be included as a liability of the system for the purpose of determining future employer contributions or payments to the system.

13. a. The Director of the Division of Budget and Accounting shall eliminate the same number of positions authorized as the number of employees that elect to participate in the early retirement program pursuant to P.L.1993, c.44. Additionally, any new hiring undertaken to fill vacancies created under this program shall receive approval of the Vacancy Review Board created pursuant to Executive Order #10 of 1982 or any successor to that Board. The Director shall report to the Joint Budget Oversight Committee on or before December 1, 1993 on the total number of positions eliminated.

b. The Division of Pensions and Benefits shall report in writing to the Joint Budget Oversight Committee on (1) the number of applications to retire filed pursuant to P.L.1993, c.44, (2) the number of applications to retire which have been approved, (3) the number of cases in which the effective retirement date of an employee has been delayed pursuant to section 7 of P.L.1993, c.44, and (4) the number of positions held by employees whose applications to retire have been approved which positions are determined to be critical and essential to State services and need to be filled by a new or transferred employee. The division shall report the information required by this subsection to the Joint Budget Oversight Committee on April 30, May 31, June 15 and July 15, 1993.

14. A State employee purchasing service credit on or after the effective date of this act to qualify for a benefit under this act may purchase a portion of the credit which the employee is eligible to purchase.

15. For an employee who retires on a special veteran's retirement under PERS or TPAF and receives a benefit under this act, the retirement allowance shall be based on the compensation, upon which contributions are made to the annuity savings fund or the contingent reserve fund, received during the last year of employment or either of the two years of employment immediately preceding the last year, whichever provides the largest possible benefit to the member or member's beneficiary.

16. The Division of Pensions and Benefits shall report in writing to the Joint Budget Oversight Committee beginning on July 15, 1994, and annually thereafter on or before July 15, through 2004, on the results of the early retirement program provided by P.L.1993, c.44. The report shall provide an analysis of the program in order to document the aggregate costs incurred and aggregate savings realized by the State as a result of this program.

17. This act shall take effect immediately.

Approved February 11, 1993.

CHAPTER 45

AN ACT concerning support obligations and amending P.L.1988, c.111.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. Section 1 of P.L.1988, c.111 (C.2A:17-56.23a) is amended to read as follows:

C.2A:17-56.23a Modification of child support order.

1. Any payment or installment of an order for child support, or those portions of an order which are allocated for child support,

whether ordered in this State or in another state, shall be fully enforceable and entitled to full faith and credit and shall be a judgment by operation of law on and after the date it is due. No payment or installment of an order for child support, or those portions of an order which are allocated for child support established prior to or subsequent to the effective date of P.L.1993, c.45 (C.2A:17-56.23a), shall be retroactively modified by the court except with respect to the period during which there is a pending application for modification, but only from the date the notice of motion was mailed either directly or through the appropriate agent. The written notice will state that a change of circumstances has occurred and a motion for modification of the order will be filed within 45 days. In the event a motion is not filed within the 45-day period, modification shall be permitted only from the date the motion is filed with the court.

The non-modification provision of this section is intended to be curative and shall apply to all orders entered before, on and after the effective date of this act.

2. This act shall take effect immediately.

Approved February 18, 1993.

CHAPTER 46

AN ACT concerning the development of comprehensive child care policies.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

C.30:5B-30 Findings, declarations on child care services.

1. The Legislature finds and declares that it is in the public interest to develop comprehensive child care policies in order to establish a uniform system of subsidized child care services and to secure the maximum funding available under federal law authorizing grants to the states for child care services.

C.30:5B-31 Authority of commissioner; rules, regulations.

2. a. The Commissioner of Human Services is authorized to establish criteria for determining financial and programmatic eligibility for child care services subsidized through State and federal funding sources, including provisions for the submission

of proof of income and resources, and such other documentation as may be necessary to establish programmatic eligibility.

b. The commissioner is authorized to establish resource limits and a sliding fee scale applicable to participants based on income guidelines for all families eligible for subsidized child care services. In setting such fees, the commissioner shall give consideration to maximizing federal funding and to effectively utilizing all State and federal funding sources available for the purpose of subsidizing child care services in New Jersey.

c. The commissioner shall adopt such rules and regulations pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.) as are necessary to carry out the purposes of this act.

3. This act shall take effect immediately.

Approved February 18, 1993.

CHAPTER 47

AN ACT concerning inspection and plan review fees charged by private inspection agencies and amending P.L.1975, c.217.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. Section 6 of P.L.1975, c.217 (C.52:27D-124) is amended to read as follows:

C.52:27D-124 Powers of the commissioner.

6. The commissioner shall have all the powers necessary or convenient to effectuate the purposes of this act, including, but not limited to, the following powers in addition to all others granted by this act:

a. To adopt, amend and repeal, after consultation with the code advisory board, rules: (1) relating to the administration and enforcement of this act and (2) the qualifications or licensing, or both, of all persons employed by enforcing agencies of the State to enforce this act or the code, except that, plumbing inspectors shall be subject to the rules adopted by the commissioner only insofar as such rules are compatible with such rules and regulations, regarding health and plumbing for public and private buildings, as may be promulgated by the Public Health Council in accordance with Title 26 of the Revised Statutes.

b. To enter into agreements with federal and State of New Jersey agencies, after consultation with the code advisory board, to provide insofar as practicable (1) single-agency review of construction plans and inspection of construction and (2) intergovernmental acceptance of such review and inspection to avoid unnecessary duplication of effort and fees. The commissioner shall have the power to enter into such agreements although the federal standards are not identical with State standards; provided that the same basic objectives are met. The commissioner shall have the power through such agreements to bind the State of New Jersey and all governmental entities deriving authority therefrom.

c. To take testimony and hold hearings relating to any aspect of or matter relating to the administration or enforcement of this act, including but not limited to prospective interpretation of the code so as to resolve inconsistent or conflicting code interpretations, and, in connection therewith, issue subpenas to compel the attendance of witnesses and the production of evidence. The commissioner may designate one or more hearing examiners to hold public hearings and report on such hearings to the commissioner.

d. To encourage, support or conduct, after consultation with the code advisory board, educational and training programs for employees, agents and inspectors of enforcing agencies, either through the Department of Community Affairs or in cooperation with other departments of State government, enforcing agencies, educational institutions, or associations of code officials.

e. To study the effect of this act and the code to ascertain their effect upon the cost of building construction and maintenance, and the effectiveness of their provisions for insuring the health, safety, and welfare of the people of the State of New Jersey.

f. To make, establish and amend, after consultation with the code advisory board, such rules as may be necessary, desirable or proper to carry out his powers and duties under this act.

g. To adopt, amend, and repeal rules and regulations providing for the charging of and setting the amount of fees for the following code enforcement services, licenses or approvals performed or issued by the department, pursuant to the "State Uniform Construction Code Act:"

(1) Plan review, construction permits, certificates of occupancy, demolition permits, moving of building permits, elevator permits and sign permits; and

(2) Review of applications for and the issuance of licenses certifying an individual's qualifications to act as a construction code official, subcode official or assistant under this act.

(3) (Deleted by amendment, P.L.1983, c.338).

h. To adopt, amend and repeal rules and regulations providing for the charging of and setting the amount of construction permit surcharge fees to be collected by the enforcing agency and remitted to the department to support those activities which may be undertaken with moneys credited to the Uniform Construction Code Revolving Fund.

i. To adopt, amend and repeal rules and regulations providing for:

(1) Setting the amount of and the charging of fees to be paid to the department by a private agency for the review of applications for and the issuance of approvals authorizing a private agency to act as an on-site inspection and plan review agency or an in-plant inspection agency;

(2) The setting of the amounts of fees to be charged by a private agency for inspection and plan review services; provided, however, that such fees shall not be more than those adopted and charged by the department when it serves as a local enforcement agency pursuant to section 10 of P.L.1975, c.217 (C.52:27D-128); and

(3) The formulation of standards to be observed by a municipality in the evaluation of a proposal submitted by a private agency to provide inspection or plan review services within a municipality.

j. To enforce and administer the provisions of the "State Uniform Construction Code Act," P.L.1975, c.217 (C.52:27D-119 et seq.) and the code promulgated thereunder, and to prosecute or cause to be prosecuted violators of the provisions of that act or the code promulgated thereunder in administrative hearings and in civil proceedings in State and local courts.

k. To monitor the compliance of local enforcing agencies with the provisions of the "State Uniform Construction Code Act," P.L.1975, c.217 (C.52:27D-119 et seq.), to order corrective action as may be necessary where a local enforcing agency is found to be failing to carry out its responsibilities under that act, to supplant or replace the local enforcing agency for a specific project, and to order it dissolved and replaced by the department where the local enforcing agency repeatedly or habitually fails to enforce the provisions of the "State Uniform Construction Code Act."

2. This act shall take effect immediately.

Approved February 18, 1993.

CHAPTER 48

AN ACT concerning the authority and operations of banks and banking institutions and amending P.L.1948, c.67 and P.L.1964, c.160.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. Section 74 of P.L.1948, c.67 (C.17:9A-74) is amended to read as follows:

C.17:9A-74. Exempt transactions.

74. Exempt transactions.

A. Any liability incurred prior to the effective date of this act, which would, if incurred after the effective date of this act, be subject to this article, may from time to time be wholly or partly renewed to the extent and in the manner authorized by the law in effect when such liability was initially incurred.

B. Nothing in this article shall apply to:

(1) a mortgage loan made by a bank to an executive officer of the bank or to him or her and his or her spouse, if:

(a) the mortgaged property has erected thereon a one- or two-family dwelling occupied or to be occupied wholly or partly by such officer; or

(b) the proceeds of the loan shall be used for the purpose of erecting upon the mortgaged property a one- or two-family dwelling to be so occupied; or

(c) the mortgaged property is a one- or two-family condominium unit occupied or to be occupied wholly or partly by such officer.

(2) a loan secured by a first lien on stock in a residential cooperative housing corporation, where the proceeds of the loan are used to finance the acquisition of such stock and the officer shall occupy an apartment or dwelling unit in premises owned by the residential cooperative housing corporation; or

(3) any loan or loans made to an executive officer of the bank to finance the education of a child of such officer; or

(4) any liability to a bank incurred by any officer who is not an executive officer of such bank.

2. Section 247 of P.L.1948, c.67 (C.17:9A-247) is amended to read as follows:

C.17:9A-247 Banking records.

247. Banking records.

a. Any banking institution may cause to have copied or reproduced by any photostatic, photographic, miniature photographic or any other process which correctly and accurately copies or reproduces, or forms a medium of copying or reproducing, all or any part of its documents and records relating to the accounts of its depositors and the operation of its business, other than its notes, bonds, mortgages and other securities and investments, and may substitute the copy or reproduction for the original thereof. Thereafter, the copy or reproduction shall be deemed for all purposes to be an original counterpart of the original thereof and shall have the same force and effect as the original thereof, and the banking institution may destroy or otherwise dispose of the original.

For the purposes of this section, open-end line-of-credit agreements, including, but not limited to, advance loan contracts made pursuant to P.L.1959, c.91 (C.17:9A-59.1 et seq.) and revolving credit equity loans pursuant to regulation of the commissioner, are not deemed to be notes, bonds, mortgages or other securities or investments and their copies shall be deemed to have the same force and effect as the originals, as set forth in this section.

b. The commissioner may adopt rules and regulations permitting the destruction of originals and copies of books, records, certificates, documents, reports, correspondence and other instruments, papers and writings of a banking institution, which, because of age or other reasons, need not be preserved.

3. Section 2 of P.L.1964, c.160 (C.17:9A-24.2) is amended to read as follows:

C.17:9A-24.2 Investment in bank service corporations.

2. Banks and savings banks may avail themselves of the services of bank service corporations, and may invest in bank service corporations, but no such investment shall be made

(a) by a bank, at any time when the total of all the bank's investments in such corporation or corporations exceeds, or if the making of such an investment would cause such total to exceed, 10% of the bank's unimpaired capital stock and surplus; or

(b) by a savings bank, at any time when the total of all the savings bank's investments in such corporation or corporations exceeds, or if the making of such an investment would cause such total to exceed, 5% of the surplus of the savings bank.

4. This act shall take effect immediately.

Approved February 18, 1993.

CHAPTER 49

AN ACT to impose a criminal penalty for selling or giving a firearm to a minor and amending N.J.S.2C:39-10 and P.L.1989, c.53.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. N.J.S.2C:39-10 is amended to read as follows:

Violation of the regulatory provisions relating to firearms; false representation in applications.

2C:39-10. Violation of the Regulatory Provisions Relating to Firearms; False Representation in Applications.

a. Any person who knowingly violates the regulatory provisions relating to manufacturing or wholesaling of firearms (section 2C:58-1), retailing of firearms (section 2C:58-2), permits to purchase certain firearms (section 2C:58-3), permits to carry certain firearms (section 2C:58-4), licenses to procure machine guns or assault firearms (section 2C:58-5), or incendiary or tracer ammunition (section 2C:58-10), except acts which are punishable under section 2C:39-5 or section 2C:39-9, is guilty of a crime of the fourth degree.

b. Any person who knowingly violates the regulatory provisions relating to notifying the authorities of possessing certain items of explosives (section 2C:58-7), or of certain wounds (section 2C:58-8) is a disorderly person.

c. Any person who gives or causes to be given any false information, or signs a fictitious name or address, in applying for a firearms purchaser identification card, a permit to purchase a handgun, a permit to carry a handgun, a permit to possess a machine gun, a permit to possess an assault firearm, or in completing the certificate or any other instrument required by law in purchasing or otherwise acquiring delivery of any rifle, shotgun, handgun, machine gun, or assault firearm or any other firearm, is guilty of a crime of the third degree.

d. Any person who gives or causes to be given any false information in registering an assault firearm pursuant to section 11 of P.L.1990, c.32 (C.2C:58-12) or in certifying that an assault firearm was rendered inoperable pursuant to section 12 of P.L.1990, c.32 (C.2C:58-13) commits a crime of the fourth degree.

e. Any person who knowingly sells, gives, transfers, assigns or otherwise disposes of a firearm to a person who is under the age of 18 years, except as permitted in section 14 of P.L.1979, c.179 (C.2C:58-6.1), is guilty of a crime of the third degree. Notwithstanding any other provision of law to the contrary, the sentence imposed for a conviction under this subsection shall include a mandatory minimum three-year term of imprisonment, during which the defendant shall be ineligible for parole.

2. Section 1 of P.L.1989, c.53 (C.2C:43-6.2) is amended to read as follows:

C.2C:43-6.2 Probation; reduction of mandatory minimum term.

1. On a motion by the prosecutor made to the assignment judge that the imposition of a mandatory minimum term of imprisonment under (a) subsection c. of N.J.S.2C:43-6 for a defendant who has not previously been convicted of an offense under that subsection, or (b) subsection e. of N.J.S.2C:39-10 for a defendant who has not previously been convicted of an offense under chapter 39 of Title 2C of the New Jersey Statutes, does not serve the interests of justice, the assignment judge shall place the defendant on probation pursuant to paragraph (2) of subsection b. of N.J.S.2C:43-2 or reduce to one year the mandatory minimum term of imprisonment during which the defendant will be ineligible for parole. The sentencing court may also refer a case of a defendant who has not previously been convicted of an offense under that subsection to the assignment judge, with the approval of the prosecutor, if the sentencing court believes that the interests of justice would not be served by the imposition of a mandatory minimum term.

3. This act shall take effect immediately.

Approved February 18, 1993.

CHAPTER 50

A SUPPLEMENT to "AN ACT making appropriations for the support of the State Government and the several public purposes for the fiscal year ending June 30, 1993 and regulating the disbursement thereof," passed June 30, 1992 (P.L.1992, c.40).

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. Upon certification by the Director of the Division of Budget and Accounting in the Department of the Treasury that federal funds to support the expenditures listed below are available, the following sum is appropriated:

FEDERAL FUNDS
46 DEPARTMENT OF HEALTH
20 Physical and Mental Health
22 Health Planning and Evaluation

06-4260 Health Facilities Evaluation....	1,137,000
Special Purpose:	
Clinical Laboratory Improvements ($1,137,000)	

2. This act shall take effect immediately.

Approved February 19, 1993.

CHAPTER 51

AN ACT concerning real estate brokers and real estate salespersons, amending various parts of the statutory law, supplementing chapter 15 of Title 45 of the Revised Statutes, and repealing R.S.45:15-22.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. R.S.45:15-1 is amended to read as follows:

License required.

45:15-1. No person shall engage either directly or indirectly in the business of a real estate broker, broker-salesperson or salesperson, temporarily or otherwise, and no person shall advertise or represent himself as being authorized to act as a real estate broker, broker-salesperson or salesperson, or to engage in any of the activities described in R.S.45:15-3, without being licensed so to do as hereinafter provided.

2. Section 1 of P.L.1978, c.5 (C.45:15-1.1) is amended to read as follows:

C.45:15-1.1 Role of housing referral aide.

1. A person employed in a participant position as a housing referral aide under any program established and funded pursuant to the Comprehensive Employment and Training Act of 1973, Pub.L. 93-203, 29 U.S.C. 801 et seq., while performing his duties in such position, shall not be deemed to be engaged in the business of a real estate broker, broker-salesperson or salesperson under the provisions of chapter 15 of Title 45 of the Revised Statutes.

3. R.S.45:15-3 is amended to read as follows:

Terms defined, license required for bringing action for compensation.

45:15-3. A real estate broker, for the purposes of this article, is defined to be a person, firm or corporation who, for a fee, commission or other valuable consideration, or by reason of a promise or reasonable expectation thereof, lists for sale, sells, exchanges, buys or rents, or offers or attempts to negotiate a sale, exchange, purchase or rental of real estate or an interest therein, or collects or offers or attempts to collect rent for the use of real estate or solicits for prospective purchasers or assists or directs in the procuring of prospects or the negotiation or closing of any transaction which does or is contemplated to result in the sale, exchange, leasing, renting or auctioning of any real estate or negotiates, or offers or attempts or agrees to negotiate a loan secured or to be secured by mortgage or other encumbrance upon or transfer of any real estate for others, or any person who, for pecuniary gain or expectation of pecuniary gain conducts a public or private competitive sale of lands or any interest in lands. In the sale of lots pursuant to the provisions of this article, the term "real estate broker" shall also include any person, partnership, association or corporation employed by or on behalf of the owner or owners of lots or other parcels of real estate, at a stated salary, or upon a commission, or upon a salary and commission, or otherwise, to sell such real estate, or any parts thereof, in lots or other parcels, and who shall sell or exchange, or offer or attempt or agree to negotiate the sale or exchange, of any such lot or parcel of real estate.

A real estate salesperson, for the purposes of this article, is defined to be any person who, for compensation, valuable consideration or commission, or other thing of value, or by reason of a promise or reasonable expectation thereof, is employed by and operates under the supervision of a licensed real estate broker to sell or offer to sell, buy or offer to buy or negotiate the purchase, sale or exchange of real estate, or offers or attempts to negotiate a loan secured or to be secured by a mortgage or other encumbrance upon or transfer of real estate, or to lease or rent, or offer to lease or rent any real estate for others, or to collect rents for the use of real estate, or to solicit for prospective purchasers or lessees of real estate, or who is employed by a licensed real estate broker to sell or offer to sell lots or other parcels of real estate, at a stated salary, or upon a commission, or upon a salary and commission, or otherwise to sell real estate, or any parts thereof, in lots or other parcels.

A real estate broker-salesperson, for the purposes of this amendatory and supplementary act, is defined to be any person who is qualified to be licensed as a real estate broker but who, for compensation, valuable consideration or commission, or other thing of value, or by reason of a promise or reasonable expectation thereof, is employed by and operates under the supervision of a licensed real estate broker to perform the functions of a real estate salesperson as defined herein.

No person, firm, partnership, association or corporation shall bring or maintain any action in the courts of this State for the collection of compensation for the performance of any of the acts mentioned in this article without alleging and proving that he was a duly licensed real estate broker at the time the alleged cause of action arose.

No person claiming to be entitled to compensation as a salesperson or broker-salesperson for the performance of any of the acts mentioned in chapter 15 of Title 45 of the Revised Statutes shall bring or maintain any action in the courts of this State for the collection of compensation against any person, firm, partnership or corporation other than the licensed broker with whom the salesperson or broker-salesperson was employed at the time the alleged cause of action arose and no action shall be brought or maintained without the claimant alleging and proving that he was a duly licensed real estate salesperson or broker-salesperson at the time the alleged cause of action arose.

4. Section 1 of P.L.1979, c.322 (C.45:15-3.1) is amended to read as follows:

C.45:15-3.1 Payment of referral fee, commission to person licensed in another jurisdiction.

1. A duly licensed real estate broker of this State may pay a referral fee or referral commission to a person not licensed if the per-

son is a licensed real estate broker of another jurisdiction in which the licensed broker maintains a bona fide office. A licensed real estate broker of another jurisdiction may make a referral, receive a referral fee or referral commission, and bring or maintain an action in the courts of this State against a duly licensed real estate broker of this State for the collection of the fee or commission.

For the purposes of this section, "referral" means the introduction, assisting, or directing of a person by one broker to another broker for real estate brokerage services, aid, or information; "referral fee" or "referral commission" means the compensation paid or received for the referral.

5. R.S.45:15-5 is amended to read as follows:

New Jersey Real Estate Commission continued.

45:15-5. The New Jersey Real Estate Commission, hereinafter in this article designated as the "commission," created and established by an act entitled "An act to define, regulate and license real estate brokers and salesmen, to create a State real estate commission and to provide penalties for the violation of the provisions hereof," approved April 5, 1921 (P.L.1921, c.141, s.370), as amended by an act approved April 23, 1929 (P.L.1929, c.168, s.310), is continued. The commission shall constitute the division of the New Jersey Real Estate Commission in the Department of Insurance. The commission shall consist of eight members, appointed by the Governor pursuant to the provisions of P.L.1971, c.60 (C.45:1-2.1 et seq.), each of whom shall have been a resident of this State for a period of at least 10 years. Five members shall have been real estate brokers for a period of at least 10 years; two members shall be public members; and one member shall be a representative of an appropriate department. The department representative shall serve at the pleasure of the Governor. Upon the expiration of the term of office of any other member, his successor shall be appointed by the Governor for a term of three years. A majority of the voting members of the commission shall constitute a quorum thereof. Each member shall hold his office until his successor has qualified. Members to fill vacancies shall be appointed by the Governor for the unexpired term. The Governor may remove any commissioner for cause, upon notice and opportunity to be heard.

6. R.S.45:15-7 is amended to read as follows:

Provision, duties of personnel.

45:15-7. The Commissioner of Insurance shall provide the commission with such personnel as he shall deem necessary, after consultation with the commission, for the proper discharge of the duties imposed by the provisions of this article. The Commissioner of Insurance shall prescribe the duties of persons thus assigned to the commission, and shall fix their compensation, within the limits of available appropriations therefor. The Commissioner of Insurance shall provide the commission with such office space, furniture and stationery as he shall determine, after consultation with the commission, to be reasonably necessary for carrying out the provisions of this article.

7. R.S.45:15-9 is amended to read as follows:

Real estate licenses.

45:15-9. All persons desiring to become real estate brokers, broker-salespersons or salespersons shall apply to the commission for a license under the provisions of this article. Every applicant for a license as a broker, broker-salesperson or salesperson shall be of the age of 18 years or over, and in the case of an association or a corporation the directors thereof shall be of the age of 18 years or over. Application for a license, whether as a real estate broker, broker-salesperson or a salesperson, shall be made to the commission upon forms prescribed by it and shall be accompanied by an application fee of $25 which fee shall not be refundable. Every applicant for a license whether as a real estate broker, broker-salesperson or salesperson shall have the equivalent of a high school education. The issuance of a license to an applicant who is a nonresident of this State shall be deemed to be his irrevocable consent that service of process upon him as a licensee in any action or proceeding may be made upon him by service upon the secretary of the commission or the person in charge of the office of the commission. The applicant shall furnish evidence of good moral character, and in the case of an association, partnership or corporation, the members, officers or directors thereof shall furnish evidence of good moral character. The commission may make such investigation and require such proof as it deems proper and in the public interest as to the honesty, trustworthiness, character and integrity of an applicant. Every applicant for a license as a broker or broker-salesperson shall have first been the holder of a New Jersey real estate salesperson's license and have been actively engaged on a full-time basis in the real estate brokerage business in this State for three years immediately preceding the date of application, which requirement may be waived by the commission where the applicant has been the holder of a broker's license in another state and actively engaged in the real estate brokerage business for at least three years immediately preceding the date of his application, meets the educational requirements and qualifies by examination. No license as a broker shall be granted to a general partnership or corporation unless at least one of the partners or officers of said general partnership or corporation qualifies as and holds a license as a broker to transact business in the name and on behalf of said general partnership or corporation as its authorized broker and no such authorized broker shall act as a broker on his own individual account unless he is also licensed as a broker in his individual name; the license of said general partnership or corporation shall cease if at least one partner or officer does not hold a license as its authorized broker at all times. A change in the status of the license of an authorized broker to an individual capacity or vice versa shall be effected by application to the commission accompanied by a fee of $25. No license as a broker shall be granted to a limited partnership unless its general partner qualifies as and holds a license as a broker to transact business in the name of and on behalf of the limited partnership. In the event that a corporation is a general partner of a limited partnership, no license as a broker shall be granted to the limited partnership unless the corporation is licensed as a broker and one of the officers of the corporation qualifies as and holds a license as the corporation's authorized broker.

In the event that any person to whom a broker's or broker-salesperson's license has been or shall have been issued shall fail to renew such license or obtain a new license for a period of more than two but less than five consecutive years after the expiration of the last license held, prior to issuing another broker or broker-salesperson license to the person, the commission shall require such person to work as a licensed salesperson on a full-time basis for one full year, to pass an examination, and to successfully complete a 90-hour general broker's pre-licensure course at a licensed real estate school, as the commission shall prescribe by regulation. In the event that any person to whom a broker's or broker-salesperson's license has been or shall have been issued fails to maintain or renew the license or obtain a new license for a period of more than five consecutive years after the expiration of the last license held, prior to issuing another broker or broker-salesperson license to the person the commission shall require the person to pass the salesperson's license examination and then to work as a licensed salesperson on a full-time basis for three years, to fulfill all of the educational requirements applicable to first time applicants for a broker or broker-salesperson license and to pass the broker's license examination. The commission may, in its discretion, approve for relicensure the former holder of a broker or broker-salesperson license who has not renewed the license or obtained a new license for two or more consecutive years upon a sufficient showing that the applicant was medically unable to do so. All applicants so approved shall pass the broker's license examination prior to being relicensed. This paragraph shall not apply to a person reapplying for a broker's or broker-salesperson's license who was licensed as a broker or broker-salesperson and who allowed his license to expire due to subsequent employment in a public agency in this State with responsibility for dealing with matters relating to real estate if the person reapplying does so within one year of termination of that employment.

In the event that any person to whom a salesperson's license has been or shall have been issued shall fail to maintain or renew such license or obtain a new license for a period of two consecutive years or more after the expiration of the last license held, the commission shall require such person to attend a licensed school and pass the State examination prior to issuance of a further license. The commission may, in its discretion, approve for relicensure a salesperson applicant who has not renewed his license or obtained a new license for two or more consecutive years upon a sufficient showing that the applicant was medically unable to do so. All salesperson applicants so approved shall pass the salesperson's license examination prior to being relicensed. This paragraph shall not apply to a person reapplying for a salesperson's license who was a licensed salesperson and who allowed his license to expire due to subsequent employment in a public agency in this State with responsibility for dealing with matters relating to real estate if the person reapplying does so within one year of termination of that employment.

8. R.S.45:15-10 is amended to read as follows:

Examination required for initial issuance of real estate license; term, renewal.

45:15-10. Before any such license shall be granted the applicant, and in the case of a partnership, association or corporation the partners, directors or officers thereof actually engaged in the real estate business as a broker, broker-salesperson or salesperson, shall submit to an examination to be conducted under the supervision of the commission which examination shall test the applicant's general knowledge of the statutes of New Jersey concerning real property, conveyancing, mortgages, agreements of sale, leases and of the provisions of this article, the rules and regulations of the commission and such other subjects as the commission may direct. The commission may make rules and regulations for the conduct of such examinations. Upon satisfactorily passing such examination and fulfilling all other qualifications a license shall be granted by the commission to the successful applicant therefor as a real estate broker, broker-salesperson or salesperson, and the applicant upon receiving the license is authorized to conduct in this State the business of a real estate broker, broker-salesperson or salesperson, as the case may be. Such license shall expire on the last day of a one-year license term as established by the commission which expiration date shall be applicable to all licenses regardless of their date of issuance; such license shall be renewed, without examination, annually thereafter, upon the payment of the fee fixed by R.S.45:15-15.

9. Section 1 of P.L.1966, c.227 (C.45:15-10.1) is amended to read as follows:

C.45:15-10.1 Educational requirements.

1. a. As a prerequisite to admission to an examination, every individual applicant for licensure as a real estate salesperson shall give evidence of satisfactory completion of 75 hours in the aggregate of such courses of education in real estate subjects at a school licensed by the commission as the commission shall by regulation prescribe. At least three hours of that course of study shall be on the subject of ethics and ethical conduct in the profession of a real estate salesperson.

b. As a prerequisite to admission to an examination, every individual applicant for licensure as a real estate broker or broker-salesperson shall give evidence of satisfactory completion of 150 hours in the aggregate of such courses of education in real estate and related subjects at a school licensed by the commission as the commission shall by regulation prescribe. Thirty hours of that course of study shall be on the subject of ethics and ethical conduct in the profession of a real estate broker.

The commission may approve courses in specialized aspects of the real estate brokerage business offered by providers who are not the holders of a real estate school license pursuant to section 47 of P.L.1993, c.51 (C.45:15-10.4), the completion of which may be recognized as fulfilling a portion of the total broker prelicensure education requirements.

10. Section 2 of P.L.1966, c.227 (C.45:15-10.2) is amended to read as follows:

C.45:15-10.2 Waiver of educational requirements for licensure.

2. The commission may waive some or all of the educational requirements for licensure established pursuant to subsection a. of section 1 of P.L.1966, c.227 (C.45:15-10.1) in the case of an applicant whose education or experience is in the judgment of the commission substantially equivalent to those educational requirements. The commission shall prescribe by regulation the requirements which an applicant shall meet in order to qualify for the waiver of educational requirements pursuant to this section.

11. R.S.45:15-11 is amended to read as follows:

Disabled war veterans; granting of licenses.

45:15-11. Any citizen of New Jersey who has served in the armed forces of the United States or who served as a member of the American Merchant Marine during World War II and is declared by the United States Department of Defense to be eligible for federal veterans' benefits, who has been honorably discharged, and who, having been wounded or disabled in the line of duty, has completed a program of courses in real estate approved by the New Jersey Real Estate Commission, and who has successfully passed an examination conducted by said commission qualifying him to operate as a real estate broker, broker-salesperson or salesperson, may, upon presentation of a certificate certifying that he has completed such program of courses as aforesaid, obtain without cost from the commission and without qualification through experience as a salesperson, a license to operate as a real estate broker, broker-salesperson or a real estate salesperson, as the case may be, which licenses shall be the same as other licenses issued under this article. Renewal of licenses may be granted under this section for each ensuing license term, upon request, without annual fees therefor.

12. Section 1 of P.L.1970, c.255 (C.45:15-11.3) is amended to read as follows:

C.45:15-11.3 Issuance of temporary broker's license.

1. In the event of the death or mental or physical incapacity of a licensed real estate broker where no other member or officer in the

agency, copartnership, association or corporation of which he was a member or officer is the holder of a broker-salesperson's license or where an individual broker operating as a sole proprietor dies or is mentally or physically incapacitated leaving no employee holding a real estate broker-salesperson's license, then the Real Estate Commission may issue a temporary broker's license on a special form to another person for the purpose of enabling such other person to continue the real estate activities on behalf of and under the same designation of said agency, copartnership, association, corporation or individual, as the case may be, upon the filing of an application and a certified copy of the death certificate or a certification of mental or physical incapacity executed by a duly licensed physician or officer of a medical institution, together with payment of the regular license fee; provided such other person has been the holder of a real estate salesperson's license for at least three years immediately preceding the date of the application and provided that said application shall have been made within 30 days from date of the demise or incapacity of said broker.

Such temporary license shall continue only until the licensee is afforded an opportunity of pursuing the approved broker's course in accordance with the provisions of subsection b. of section 1 of P.L.1966, c.227 (C.45:15-10.1) and qualifying by examination. Such license may be issued and effective for a period of one year from the date of issuance. Such temporary license shall not be extended or renewed.

13. R.S.45:15-12 is amended to read as follows:

Broker to maintain office.

45:15-12. Every real estate broker shall maintain a designated main office open to the public. A real estate broker's main office shall have prominently displayed therein the license certificate of the broker and all licensed persons in his employ and shall be deemed the business address of all licensed persons for all purposes under chapter 15 of Title 45 of the Revised Statutes. In case a real estate broker maintains more than one place of business, a branch office license shall be issued to such broker for each branch office so maintained in this State; provided, however, that the said branch office or offices are under the direct supervision of a broker-salesperson. The branch office license or licenses shall be issued upon the payment of a fee of $25 for each license so issued. Every place of business maintained by a real estate broker shall have conspicuously displayed on the exterior thereof the name in which the broker is authorized to operate and, in the case of a corporation or partnership, the name of the individual licensed as its authorized broker, and the words Licensed Real Estate Broker. A real estate broker whose main office is located in another state shall maintain a valid real estate broker's license in good standing in the state where the office is located.

14. Section 8 of P.L.1953, c.229 (C.45:15-12.1) is amended to read as follows:

C.45:15-12.1 Bars to issuance of license.

8. No license shall be issued by the commission to any person known by it to have been, within five years theretofore, convicted of forgery, burglary, robbery, any theft offense other than shoplifting, criminal conspiracy to defraud, or other like offense or offenses, or to any copartnership of which such person is a member, or to any association or corporation of which said person is an officer, director, or employee, or in which as a stockholder such person has or exercises a controlling interest either directly or indirectly.

15. R.S.45:15-13 is amended to read as follows:

Form of license; change of broker's address.

45:15-13. All licenses shall be issued by the commission in such form as it shall prescribe. Each license shall show the name and address of the licensee and shall have imprinted thereon the seal of the commission. Notice in writing shall be given to the commission by each licensed broker of any change of business address, whereupon the commission shall issue new licenses to the broker and to all persons licensed through the broker for the unexpired period, upon the payment of a fee of $25 for the issuance of the new broker license and a fee of $5.00 for each additional new license certificate so issued. A change of business address without notification to the commission, and without the issuance of a new broker's license, shall automatically cancel the license theretofore issued.

16. R.S.45:15-14 is amended to read as follows:

License kept by employing broker.

45:15-14. All licenses issued to real estate brokers, broker-salespersons and salespersons shall be kept by the broker by whom such real estate licensee is employed, and the pocket card accompanying the same shall be delivered by the broker to the licensee who shall have the card in his possession at all times when engaged in the business of a real estate broker, broker-salesperson or salesperson. When any real estate licensee is terminated or resigns his employment with the real estate broker by whom he was employed at the time of the issuing of such license to him, notice of the termination shall be given in writing by the broker to the terminated licensee with the effective date of the termination reflected thereon, or notice of the resignation shall be given in writing by the resigning licensee to the broker with the effective date of the resignation reflected thereon. Upon the issuance of a written notice of termination by a broker or his authorized representative, or upon receipt of a written resignation by a broker or his authorized representative, such employer shall within five business days of the effective date of the termination or resignation, either: a. deliver, or send by registered mail, to the commission, such real estate licensee's license and, at the same time, send a written communication to such real estate licensee at his last known residence, advising him that his license has been delivered or mailed to the commission. A copy of such communication to the licensee shall accompany the license when mailed or delivered to the commission; or, b. deliver to the departing licensee and to the commission any other materials as the commission may prescribe by regulation to accomplish the transfer of the licensee to another employing broker. No real estate licensee shall perform any of the acts contemplated by this article, either directly or indirectly, under the authority of such license, from and after the effective date of the licensee's termination or resignation until authorized to do so by the commission. A new license may be issued to such licensee, upon the payment of a fee of $25, and upon the submission of satisfactory proof that he has obtained employment with another licensed broker. A broker-salesperson or salesperson must be licensed under a broker; he cannot be licensed with more than one broker at the same time.

17. R.S.45:15-15 is amended to read as follows:

Annual license fees.

45:15-15. The annual fee for each real estate broker's license shall be $50.00, the annual fee for each real estate broker-salesperson's license shall be $50.00 and the annual fee for each real estate salesperson's license shall be $25.00. The annual fee for a branch office license shall be $25.00. Each license granted under this article shall entitle the licensee to perform all of the acts contemplated herein during the period for which the license is issued, as prescribed by this article. If a licensee fails to apply for a renewal of his license prior to the date of expiration of such license, the commission may refuse to issue a renewal license except upon the payment of a late renewal fee in the amount of $10.00 for a salesperson or broker-salesperson and $20.00 for a broker; provided, however, the commission may, in its discretion, refuse to renew any license upon sufficient cause being shown. The commission shall refuse to renew the license of any licensee convicted of any offense enumerated in section 6 of P.L.1953, c.229 (C.45:15-19.1) during the term of the last license issued by the commission unless the conviction was previously the subject of a revocation proceeding. Renewed licenses may be granted for each ensuing year upon request of licensees and the payment of the full fee therefor as herein required. Upon application and payment of the fees provided herein, initial licenses and licenses reinstated pursuant to R.S.45:15-9 may be issued, but the commission, may, in its discretion, refuse to grant or reinstate any license upon sufficient cause being shown. The license fees for initial or reinstated licenses shall be determined based upon the annual fees established herein, with a full annual fee payable for the license year in which application is received. The revocation or suspension of a broker's license shall automatically suspend every real estate broker-salesperson's and salesperson's license granted to employees of the broker whose license has been revoked or suspended, pending a change of employer and the issuance of a new license. The new license shall be issued without additional charge, if the same is granted during the license year in which the original license was granted.

A real estate broker who maintains a main office or branch office licensed by the commission which is located in another state shall maintain a valid real estate broker's license in good standing in the state where the office is located and shall maintain a real estate license in that other state for each office licensed by the commission. Upon request, the real estate broker shall provide a certification of his license status in the other state to the commission. Any license issued by the commission to a real estate broker for a main or branch office located outside this State shall be automatically suspended upon the revocation, suspension or refusal to renew the real estate broker's license issued by the state where the office is located. The licenses issued by the commission to every broker-salesperson or salesperson employed by the broker shall be automatically suspended pending a change of employer and the issuance of a new license. The new license shall be issued without additional charge if granted during the license term in which the original license was granted.

18. R.S.45:15-16 is amended to read as follows:

Acceptance of commission, valuable consideration.

45:15-16. No real estate salesperson or broker-salesperson shall accept a commission or valuable consideration for the performance of any of the acts herein specified, from any person except his employer, who must be a licensed real estate broker.

19. Section 1 of P.L.1955, c.238 (C.45:15-16.2) is amended to read as follows:

C.45:15-16.2 Educational and information programs.

1. The Division of the New Jersey Real Estate Commission in the State Department of Insurance, within the limits of appropriations available or to be made available to it for the purpose, may conduct educational and information programs relating to the real estate brokerage business and real estate brokers, broker-salespersons and salespersons for the information, education, guidance and protection of the general public, licensees, and applicants for licensure. The educational and information programs may include preparation, printing and distribution of publications and articles and the conduct of conferences, forums, lectures, and a public information service.

20. R.S.45:15-17 is amended to read as follows:

Investigation of actions of licensees; suspension or revocation of licenses and causes therefor.

45:15-17. The commission may, upon its own motion, and shall, upon the verified complaint in writing of any person, investigate the actions of any real estate broker, broker-salesperson or salesperson, or any person who assumes, advertises or represents himself as being authorized to act as a real estate broker, broker-salesperson or salesperson or engages in any of the activities described in R.S.45:15-3 without being licensed so to do. The lapse or suspension of a license by operation of law or the voluntary surrender of a license by a licensee shall not deprive the commission of jurisdiction to proceed with any investigation as herein provided or prevent the commission from taking any regulatory action against such licensee, provided, however, that the alleged charges arose while said licensee was duly licensed. Each transaction shall be construed as a separate offense.

In conducting investigations, the commission may take testimony by deposition as provided in R.S.45:15-18, require or permit any person to file a statement in writing, under oath or otherwise as the commission determines, as to all the facts and circumstances concerning the matter under investigation, and, upon its own motion or upon the request of any party, subpoena witnesses, compel their attendance, take evidence, and require the production of any material which is relevant to the investigation, including any and all records of a licensee pertaining to his activities as a real estate broker, broker-salesperson or salesperson. The commission may also require the provision of any information concerning the existence, description, nature, custody, condition and location of any books, documents, or other tangible material and the identity and location of persons having knowledge of relevant facts of any other matter reasonably calculated to lead to the discovery of material evidence. Upon failure to obey a subpoena or to answer questions posed by an investigator or legal representative of the commission and upon reasonable notice to all affected persons, the commission may commence an administrative action as provided below or apply to the Superior Court for an order compelling compliance.

The commission may place on probation, suspend for a period less than the unexpired portion of the license period, or may revoke any license issued under the provisions of this article, or the right of licensure when such person is no longer the holder of a license at the time of hearing, or may impose, in addition or as an alternative to such probation, revocation or suspension, a penalty of not more than $5,000 for the first violation, and a penalty of not more than $10,000 for any subsequent violation, which penalty shall be sued for and recovered by and in the name of the commission and shall be collected and enforced by summary proceedings pursuant to "the penalty enforcement law" (N.J.S.2A:58-1 et seq.), where the licensee or any person, in performing or attempting to perform any of the acts mentioned herein, is deemed to be guilty of:

a. Making any false promises or any substantial misrepresentation; or

b. Acting for more than one party in a transaction without the knowledge of all parties thereto; or

c. Pursuing a flagrant and continued course of misrepresentation or making of false promises through agents, broker-salespersons or salespersons, advertisements or otherwise; or

d. Failure to account for or to pay over any moneys belonging to others, coming into the possession of the licensee; or

e. Any conduct which demonstrates unworthiness, incompetency, bad faith or dishonesty. The failure of any person to cooperate with the commission in the performance of its duties or to comply with a subpoena issued by the commission compelling the production of materials in the course of an investigation, or the failure to give a verbal or written statement concerning a matter under investigation may be construed as conduct demonstrating unworthiness; or

f. Failure to provide his client with a fully executed copy of any sale or exclusive sales or rental listing contract at the time of execution thereof, or failure to specify therein a definite terminal date which terminal date shall not be subject to any qualifying terms or conditions; or

g. Using any plan, scheme or method for the sale or promotion of the sale of real estate which involves a lottery, a contest, a game, a prize, a drawing, or the offering of a lot or parcel or lots or parcels for advertising purposes; or

h. Being convicted of a crime, knowledge of which the commission did not have at the time of last issuing a real estate license to the licensee; or

i. Collecting a commission as a real estate broker in a transaction, when at the same time representing either party in a transaction in a different capacity for a consideration; or

j. Using any trade name or insignia of membership in any real estate organization of which the licensee is not a member; or

k. Paying any rebate, profit, compensation or commission to anyone not possessed of a real estate license; or

l. Any other conduct, whether of the same or a different character than specified in this section, which constitutes fraud or dishonest dealing; or

m. Accepting a commission or valuable consideration as a real estate broker-salesperson or salesperson for the performance of any of the acts specified in this act, from any person, except his employing broker, who must be a licensed broker; or

n. Procuring a real estate license, for himself or anyone else, by fraud, misrepresentation or deceit; or

o. Commingling the money or other property of his principals with his own or failure to maintain and deposit in a special account, separate and apart from personal or other business accounts, all moneys received by a real estate broker, acting in said capacity, or as escrow agent, or the temporary custodian of the funds of others, in a real estate transaction; or

p. Selling property in the ownership of which he is interested in any manner whatsoever, unless he first discloses to the purchaser in the contract of sale his interest therein and his status as a real estate broker, broker-salesperson or salesperson; or

q. Purchasing any property unless he first discloses to the seller in the contract of sale his status as a real estate broker, broker-salesperson or salesperson; or

r. Charging or accepting any fee, commission or compensation in exchange for providing information on purportedly available rental housing, including lists of such units supplied verbally or in written form, before a lease has been executed or, where no lease is drawn, before the tenant has taken possession of the premises without complying with all applicable rules promulgated by the commission regulating these practices; or

s. Failing to notify the commission within 30 days of having been convicted of any crime, misdemeanor or disorderly persons offense, or of having been indicted, or of the filing of any formal criminal charges, or of the suspension or revocation of any real estate license issued by another state, or of the initiation of formal disciplinary proceedings in another state affecting any real estate license held, or failing to supply any documentation available to the licensee that the commission may request in connection with such matter; or

t. The violation of any of the provisions of this article or of the administrative rules adopted by the commission pursuant to the provisions of this article. The commission is expressly vested with the power and authority to make, prescribe and enforce any and all rules and regulations for the conduct of the real estate brokerage business consistent with the provisions of chapter 15 of Title 45 of the Revised Statutes.

If a licensee is deemed to be guilty of a third violation of any of the provisions of this section, whether of the same provision or of separate provisions, the commission may deem that person a repeat offender, in which event the commission may direct that no license as a real estate broker, broker-salesperson or salesperson shall henceforth be issued to that person.

C.45:15-12.3 Revoked license, disability to act.

21. A person whose license has been revoked pursuant to R.S.45:15-17 or section 6 of P.L.1953, c.229 (C.45:15-19.1) shall not be a general partner, officer, director or owner, either directly or indirectly, of a controlling interest in a licensed partnership, limited partnership or corporation, nor shall the person be retained or employed in any capacity, or compensated in any manner by a licensee, nor shall the person occupy or share office space in a licensed office location for any purpose during the period of revocation.

C.45:15-12.4 Revocation of partnership, corporate license.

22. Upon the revocation of the license issued to any partner, officer, director or owner of a controlling interest in any licensed partnership, limited partnership or corporation, the commission shall revoke the license of the partnership or corporation unless, within a period fixed by the commission, the following conditions are fulfilled: a. in the case of a partnership, the connection of the partner whose license has been revoked to the licensee shall be severed and his interest in the licensee shall be divested; b. in the case of a corporation, the officer, director or owner of a controlling interest whose license has been revoked shall be terminated from the position and, where an owner of a controlling interest, his ownership of the interest shall be divested; or c. in the case of a limited partnership, if the person whose license has been revoked is the general partner, the connection of that person to the licensee shall be severed and his interest in the licensee shall be divested or, if the person whose license was revoked is a limited partner, his interest in the licensee shall be divested if it constituted a controlling interest as defined herein. For the purposes of this section, the term "controlling interest" means 5% or more of the equity of a licensed corporation or of the ownership of a partnership.

C.45:15-17.1 Temporary suspension of license.

23. The commission may, on its own motion, enter an order temporarily suspending the license of any licensee upon making a finding that prima facie evidence exists that the licensee has violated subsection d. or subsection o. of R.S.45:15-17. At least 24 hours prior to entering the order, the commission shall give notice to the licensee of the application for the order and shall provide the licensee with an opportunity to be heard. The notice may be given either by telephone

or in writing and may be served personally or sent by certified mail to the last known business address of the licensee.

When the commission orders the temporary suspension of a license, it shall advise the licensee of the date upon which the commission shall hold an evidentiary hearing on the violations upon which the temporary suspension is based, which date shall be no more than 30 days following the date of the order entering the temporary suspension.

C.45:15-17.2 Freezing accounts during suspension of broker's license.

24. Upon entering an order temporarily suspending the license of any broker, the commission may also enter an order directing that some or all of the accounts maintained by the broker in any depository institution in the State be temporarily frozen. The commission shall serve copies of the order upon the institution either in person or by certified mail within ten days and, where a broker's trust or escrow account is frozen, upon all persons known to the commission for whom the broker was acting as escrow agent or trustee. In the event the commission subsequently determines that the suspension shall not be continued, it shall immediately notify the depository institution and other interested parties that the temporary freeze order is dissolved. If the commission orders that the license suspension shall continue for more than 30 days or that a license revocation shall be imposed, the commission shall, within 10 days of that ruling, make application to Superior Court for payment into the court of all funds in the accounts temporarily frozen by order of the commission. The commission shall provide notice of the application to the broker and all known interested parties. Following payment into court, the monies or any portion of them shall thereafter only be released upon court order obtained by the broker or other interested party, upon notice to the commission and in compliance with court rules.

25. R.S.45:15-18 is amended to read as follows:

Notification to licensee of charges made in license suspension, revocation.

45:15-18. With the exception of a temporary suspension imposed by the commission pursuant to section 23 of P.L.1993, c.51 (C.45:15-17.1), the commission shall, before suspending or revoking any license, and at least ten days prior to the date set for the hearing, notify in writing the licensee of any charges made, and afford him an opportunity to be heard in person or by counsel. Such written notice may be served either personally or sent by certified mail to the last known business address of the licensee. If the licensee is a broker-salesperson or salesperson, the commission shall also notify the broker employing him, specifying the charges made against such licensee, by sending a notice thereof by certified mail to the broker's last known business address. The commission shall have power to bring before it any licensee or any person in this State pursuant to subpoena served personally or by certified mail; or the commission may take testimony by deposition in the same manner as prescribed by law in judicial proceedings in the courts of this State. Any final decision or determination of the commission shall be reviewable by the Appellate Division of the Superior Court.

26. R.S.45:15-19 is amended to read as follows:

Cause for revocation of broker's license.

45:15-19. Any unlawful act or violation of any of the provisions of this article, by any real estate broker-salesperson or salesperson, shall not be cause for the revocation of any real estate broker's license, unless it shall appear to the satisfaction of the commission that the real estate broker employing such licensee had guilty knowledge thereof.

27. Section 6 of P.L.1953, c.229 (C.45:15-19.1) is amended to read as follows:

C.45:15-19.1 License revoked upon conviction.

6. When, during the term of any license issued by the commission, the licensee shall be convicted in a court of competent jurisdiction in the State of New Jersey or any state (including federal courts) of forgery, burglary, robbery, any theft or related offense with the exception of shoplifting, criminal conspiracy to defraud, or other like offense or offenses, or any crime involving, related to or arising out of the licensee's activities as a real estate broker, broker-salesperson or salesperson, and a duly certified or exemplified copy of the judgment of conviction shall be obtained by the commission, the commission shall revoke forthwith the license by it theretofore issued to the licensee so convicted.

28. Section 7 of P.L.1953, c.229 (C.45:15-19.2) is amended to read as follows:

C.45:15-19.2 License suspended when licensee is indicted.

7. In the event that any licensee shall be indicted in the State of New Jersey or any state or territory (including federal courts)

for murder, kidnapping, aggravated sexual assault, robbery, burglary, arson, any theft offense, bribery, racketeering, distribution of a controlled dangerous substance or conspiracy to distribute a controlled dangerous substance, forgery, criminal conspiracy to defraud, or other like offense or offenses, or any crime involving, related to or arising out of the licensee's activities as a real estate broker, broker-salesperson or salesperson, and a certified copy of the indictment is obtained by the commission, or other proper evidence thereof be to it given, the commission shall have authority, in its discretion, to suspend the license issued to such licensee pending trial upon such indictment.

29. R.S.45:15-20 is amended to read as follows:

Nonresident licenses.

45:15-20. A nonresident may become a real estate broker, broker-salesperson or salesperson by conforming to all of the provisions of this article. All nonresident licenses issued by the commission prior to July 1, 1994 may be renewed upon payment of the renewal fees established pursuant to R.S.45:15-15. All nonresident licenses so renewed shall be issued by the commission in the same form as a resident license. In the event that any person to whom a nonresident license is issued fails to maintain or renew the license or to obtain a new license from the commission for a period of two or more consecutive years, the person shall be required to fulfill the requirements for initial licensure established pursuant to R.S.45:15-9 prior to the issuance of any further license.

A licensed broker whose main office is not located within this State shall only provide brokerage services concerning real estate located within this State either personally or through persons in the broker's employ who are the holders of real estate broker-salesperson or salesperson licenses issued by the commission. In the event that a broker maintains one or more branch offices in this State, no person shall engage in the business of a real estate broker, broker-salesperson or salesperson at those offices unless the person is a holder of a license issued by the commission authorizing him to do so.

30. R.S.45:15-21 is amended to read as follows:

Filing of irrevocable consent to service.

45:15-21. Every applicant for a license whose business address is outside this State shall file an irrevocable consent that suits and actions may be commenced against such applicant by the commission or by any person in any of the courts of record of this State, by the service of any process or pleading authorized by the laws of this State, in any county in which the plaintiff may reside, by serving the same on the secretary of the commission, said consent stipulating and agreeing that such service of such process or pleadings on said secretary shall be taken and held in all courts to be as valid and binding as if due service had been made personally upon the applicant in this State. This consent shall be duly acknowledged, and, if made by a corporation, shall be authenticated by its seal. The consent from a corporation shall be accompanied by a duly certified copy of the resolution of the board of directors, authorizing the proper officers to execute it. In all cases where process or pleadings shall be served, under the provisions of this article, upon the secretary of the commission, such process or pleadings shall be served in duplicate, one of which shall be filed in the office of the commission and the other shall be forwarded immediately by the secretary of the commission, by registered mail, to the last known business address of the licensee against which such process or pleadings are directed.

Every licensee whose business address is outside this State shall, by acceptance of a license for that out-of-State address, automatically and irrevocably consent to the commission's jurisdiction over and investigative authority regarding the licensed business premises, and all records and conduct of the licensee both within and outside of the State. The licensee shall also automatically and irrevocably consent that service of any pleading or subpoena issued by the secretary of the commission pursuant to R.S.45:15-17 or R.S.45:15-18 which is delivered by certified mail to the licensee's last known address, shall constitute valid and binding service of the subpoena or pleading upon the licensee as if service had been made personally upon the licensee in this State.

31. Section 6 of P.L.1948, c.88 (C.45:15-29.1) is amended to read as follows:

C.45:15-29.1 Employees transferred.

6. Such employees of the New Jersey Real Estate Commission, as the Commissioner of Insurance may determine are needed for the proper performance of the work of the Division of the New Jersey Real Estate Commission in the Department of Insurance, are hereby transferred to the Department of Insurance. Persons so transferred shall be assigned to such duties as the Commissioner of Insurance shall determine.

32. Section 9 of P.L.1948, c.88 (C.45:15-29.3) is amended to read as follows:

C.45:15-29.3 Orders, rules, regulations continued.

9. The orders, rules and regulations heretofore made or promulgated by the New Jersey Real Estate Commission shall continue with full force and effect until amended or repealed by the New Jersey Real Estate Commission constituted hereunder as the Division of the New Jersey Real Estate Commission in the Department of Insurance.

33. Section 10 of P.L.1948, c.88 (C.45:15-29.4) is amended to read as follows:

C.45:15-29.4 "New Jersey Real Estate Commission," reference.

10. Whenever the term "New Jersey Real Estate Commission" occurs or any reference is made thereto, in any law, contract or document, the same shall be deemed to mean or refer to the New Jersey Real Estate Commission constituted hereunder as the Division of the New Jersey Real Estate Commission in the Department of Insurance.

34. Section 11 of P.L.1948, c.88 (C.45:15-29.5) is amended to read as follows:

C.45:15-29.5 Actions, proceedings not affected.

11. This act shall not affect actions or proceedings, civil or criminal, brought by or against the New Jersey Real Estate Commission and pending on the effective date of this act, and such actions or proceedings may be prosecuted or defended in the same manner and to the same effect by the New Jersey Real Estate Commission constituted hereunder as the Division of the New Jersey Real Estate Commission in the Department of Insurance as if the foregoing provisions had not taken effect; nor shall any of the foregoing provisions affect any order or recommendation made by, or other matters or proceedings before, the New Jersey Real Estate Commission; and all such matters or proceedings pending before the New Jersey Real Estate Commission on the effective date of this act shall be continued by the New Jersey Real Estate Commission constituted hereunder as the Division of the New Jersey Real Estate Commission in the Department of Insurance.

35. Section 1 of P.L.1976, c.112 (C.45:15-34) is amended to read as follows:

C.45:15-34 Real estate guaranty fund established.

1. A real estate guaranty fund is established as a special trust fund to be maintained by the State Treasurer and administered by the New Jersey Real Estate Commission in accordance with the provisions of this act to provide a fund from which recovery may be

obtained by any person aggrieved by the embezzlement, conversion or unlawful obtaining of money or property in a real estate brokerage transaction by a licensed real estate broker, broker-salesperson or salesperson or an unlicensed employee of a real estate broker; provided, however, that the amount of such recovery shall not exceed in the aggregate the sum of $10,000 in connection with any one transaction regardless of the number of claims, persons aggrieved, or parcels of, or interests in real estate involved in the transaction. The maximum amount recoverable per transaction shall be increased to $20,000 for claims filed on the basis of causes of action which accrue after the effective date of P.L.1993, c.51 (C.45:15-12.3 et al.).

36. Section 2 of P.L.1976, c.112 (C.45:15-35) is amended to read as follows:

C.45:15-35 Additional amount payable upon initial issuance of license.

2. Upon the initial issuance of an annual license as a real estate broker, broker-salesperson or salesperson the licensee shall pay to the commission, in addition to the license fee fixed by R.S.45:15-15, an additional amount to be forwarded by the commission to the State Treasurer and accounted for and credited by him to the real estate guaranty fund. The additional amount payable by a broker or broker-salesperson shall be $20 and by a salesperson, $10.

37. Section 4 of P.L.1976, c.112 (C.45:15-37) is amended to read as follows:

C.45:15-37 Payments from real estate guaranty fund.

4. No claim shall be made for payment from the real estate guaranty fund except upon the reduction to final judgment, which shall include reasonable attorney fees and costs, of a civil action against the broker, broker-salesperson or salesperson or unlicensed employee of a broker, and, where the judgment creditor has pursued all available remedies, made all reasonable searches, and has been unable to satisfy the judgment from the licensee's assets, the entry of a court order which directs the Real Estate Commission to make payment from the fund. No such order shall authorize a payment to the spouse or personal representative of the spouse of the judgment debtor.

No order shall be entered unless the claimant, either at the time of filing the civil action or thereafter, files a certification affirming that a criminal complaint alleging the misappropriation of funds by the broker, broker-salesperson, salesperson or unlicensed employee has been filed with a law enforcement agency of this State or of a county or municipality in this State. The criminal complaint shall refer to the same conduct to which reference is made in the civil action as forming the basis for a claim against the real estate guaranty fund. The certification shall specify the date on which the criminal complaint was filed and the law enforcement agency with which it was filed. A copy of the certification shall be provided to the Real Estate Commission upon its being filed. The requirement to file a certification shall apply prospectively only to claims seeking reimbursement from the fund filed on the basis of causes of action which accrue after the effective date of P.L.1993, c.51 (C.45:15-12.3 et al.).

Upon delivery by the Real Estate Commission to the State Treasurer of a certified copy of the court order together with an assignment to the Real Estate Commission of the judgment creditor's right, title and interest in the judgment to the extent of the amount of the court order, the State Treasurer shall make payment to the claimant from the real estate guaranty fund.

38. Section 6 of P.L.1976, c.112 (C.45:15-39) is amended to read as follows:

C.45:15-39 Secretary of commission constituted as agent.

6. Any person to whom is issued a license to be a real estate broker, broker-salesperson or salesperson shall, by the securing of said license, make and constitute the secretary of the commission or the person in charge of the office of the commission as agent for the acceptance of process in any civil proceeding hereunder.

39. Section 7 of P.L.1976, c.112 (C.45:15-40) is amended to read as follows:

C.45:15-40 Insufficiency of funds; replenishment; excess amounts.

7. a. If at any time the funds available in the real estate guaranty fund are insufficient to satisfy in full court orders for payment therefrom, payment shall be made in the order in which such court orders were issued; and the Real Estate Commission shall by regulation impose further additional amounts to be paid by brokers, broker-salespersons and salespersons to replenish the guaranty fund. No such additional amount assessed at any one time shall exceed the amounts specified in section 2 of this act.

b. If at any time the funds available in the real estate guaranty fund are, in the opinion of the Real Estate Commission, in excess of amounts anticipated to be necessary to meet claims for a period of at least two years, the commission may, with the approval of the Commissioner of Insurance, allocate and receive from the guaranty fund a specified amount thereof for research and educational projects to increase the proficiency and competency of real estate licensees.

40. Section 8 of P.L.1976, c.112 (C.45:15-41) is amended to read as follows:

C.45:15-41 Revocation of license upon issuance of court order for payment from fund.

8. Upon the issuance of a court order for payment from the real estate guaranty fund the license of the broker, broker-salesperson or salesperson, whose acts gave rise to the claim, shall be revoked and no such broker, broker-salesperson or salesperson shall be eligible for reinstatement of his license until he shall have satisfied the judgment in full including reimbursement of the real estate guaranty fund together with interest.

C.45:15-1.2 License required for acceptance of compensation for providing assistance in locating rental housing.

41. Any person who, before a lease has been fully executed or, where no lease is drawn, before possession is taken by the tenant, charges or accepts any fee, commission or compensation in exchange for providing assistance in locating rental housing, including providing written lists or telephone information on purportedly available rental units, without being licensed pursuant to this act shall be a disorderly person and shall be subject to a fine of not less than $200 or to imprisonment for not more than 30 days or both.

The provisions of this section shall not be construed to prohibit a licensed real estate broker, or an owner of rental properties or his agents and employees, from requiring the payment of a deposit to reserve a particular unit or from charging and accepting a fee for processing an application to rent an apartment or for performing a credit check or other investigation upon prospective tenants prior to the execution of a lease or the taking of possession of a rental unit by a prospective tenant.

C.45:15-12.5 Maintenance of special account required.

42. a. Every individual, partnership or corporation licensed as a real estate broker shall maintain in a State or federally chartered bank, savings bank, savings and loan association or other depository institution physically located and authorized to transact business in this State and approved by the commission a special account into which the broker shall deposit and maintain all monies received while acting in the capacity of a real estate broker, or as escrow agent, or as the temporary custodian of funds of others in real estate

transactions in this State. The account shall be maintained in the name in which the individual, partnership or corporation is licensed to do business as a broker and shall be designated as either the broker's "trust account" or "escrow account" and shall be maintained separate and apart from all other personal and business accounts. All checks and deposit slips produced as a result of the establishment of the account shall contain the words "trust account" or "escrow account." The provisions of this subsection shall not apply to an individual licensed as a broker-salesperson.

b. A real estate broker may establish a special interest bearing escrow account under the broker's control in a depository institution approved by the commission for the deposit of monies from a specific transaction provided the account is clearly identified as pertaining to that transaction. Such accounts shall be maintained separate and apart from all other escrow, business and personal funds.

C.45:15-12.6 Approval of depository institution.

43. The commission shall approve a depository institution as required pursuant to section 42 of this amendatory and supplementary act upon the institution providing written confirmation to the commission that it shall immediately notify the commission of any issuance of a notice to a licensed broker that a check or other instrument written upon the broker's escrow or trust account has been dishonored or returned for insufficient funds.

C.45:15-12.7 Agent, custodian may not use interest on escrow funds.

44. A real estate broker acting in the capacity of an escrow agent or as the temporary custodian of the funds of others in any real estate transaction shall not receive, obtain or use any interest earned on the funds for the broker's own personal or business use.

C.45:15-12.8 Acceptance of monies.

45. Every real estate licensee who, in the performance of any of the activities described in R.S.45:15-3, receives any monies of others as a representative of a broker acting as an escrow agent or as the temporary custodian of the funds of others in a real estate transaction, shall only accept the monies if they are in the form of cash or a negotiable instrument payable to the broker through whom the individual is licensed. The licensee shall, immediately upon receipt of the funds, account for and deliver the funds to the broker for deposit into the escrow or trust account maintained by the broker, or for such other disposition as is required by the escrow agreement under the terms of which the funds were provided to the licensee.

New Jersey State Library

C.45:15-10.3 Bureau of Real Estate Education.

46. There is established within the Division of the New Jersey Real Estate Commission in the Department of Insurance a Bureau of Real Estate Education which shall be responsible for the licensure of real estate pre-licensure schools and instructors.

C.45:15-10.4 Licensure of real estate school.

47. a. No school shall conduct real estate education courses, the attendance and successful completion of which shall constitute the fulfillment of the educational prerequisites for licensure established pursuant to section 1 of P.L.1966, c.227 (C.45:15-10.1) unless licensed as a real estate school pursuant to P.L.1993, c.51 (C.45:15-12.3 et al.).

b. A school shall not be licensed as a real estate school unless its owners, management and facilities meet all of the qualifications for licensure established pursuant to this amendatory and supplementary act and which the commission may by regulation prescribe. An applicant for a license to operate a real estate school, and in the case of a partnership or corporation the members, officers, directors and owners of a controlling interest thereof, shall affirmatively demonstrate their good moral character to the commission. The commission may make such investigation and require such proof as it deems proper and in the public interest as to the honesty, trustworthiness, character and integrity of an applicant.

C.45:15-10.5 Licensure as real estate instructor.

48. a. No person, with the exception of a guest lecturer, may teach real estate education courses, the attendance and successful completion of which shall constitute the fulfillment of the educational prerequisites for licensure established pursuant to section 1 of P.L.1966, c.227 (C.45:15-10.1) unless licensed as a real estate instructor pursuant to this amendatory and supplementary act.

b. A person shall not be licensed as a real estate instructor unless the person affirmatively demonstrates to the commission his good moral character, successfully completes a real estate instructor course approved by the commission, successfully completes a written examination conducted under the auspices of the commission, and meets all other qualifications as the commission may prescribe by regulation.

C.45:15-10.6 Application for, issuance of license as real estate school.

49. a. Every application for licensure as a real estate school shall be accompanied by an application fee of $50 and a criminal history record check fee for all individual owners, members of a partnership, or officers, directors and owners of a controlling interest in a corporation, which fees shall be non-refundable.

b. All licenses issued to real estate schools shall expire on a date fixed by the commission which date shall not be more than two years from the date of issuance of the license. The license fee for each real estate school license issued in the first 12 months of any two-year real estate school license term established by the commission shall be $200 for the first location and $100 for each additional location licensed. The license fee for each real estate school license issued in the second 12 months of any two-year real estate school license term established by the commission shall be $100 for the first location and $50 for each additional location licensed. The fee for the renewal of each real estate school license for an additional two-year license term shall be $200 for the first location and $100 for each additional location.

c. Any accredited college or university located in this State or any public adult education program conducted by a board of education in this State which otherwise qualifies for licensure as a real estate school shall be issued a license without the payment of any license or license renewal fee.

C.45:15-10.7 Application for, issuance of license as real estate instructor.

50. Every application for licensure as a real estate instructor shall be accompanied by an application fee of $25 and a criminal history record check fee, which fees shall be non-refundable. All licenses issued to real estate instructors shall expire on a date fixed by the commission which shall be no more than two years from the date of issuance of the license. The license fee for each real estate instructor license issued in the first 12 months of any two-year real estate instructor license term established by the commission shall be $100 and the fee for an instructor license issued in the second 12 months of the cycle shall be $50. The fee for the renewal of each real estate instructor license for an additional two-year license term shall be $50. Upon payment of the renewal fee and the submission of evidence of satisfactory completion of any continuing education requirements which the commission may by regulation prescribe, the commission shall renew the license of a real estate instructor for a two-year period.

C.45:15-10.8 Director of real estate school.

51. A school shall not be licensed as a real estate school unless it is under the management and supervision of a director who is approved by the commission and who is licensed as a real estate instructor in accordance with the provisions of this act. In the event of the death or mental or physical incapacity of the director of a licensed real estate school, which leaves no other owner or employee

of the school licensed as a real estate instructor and willing to assume the responsibilities of the director on an interim or permanent basis, the commission may issue temporary authorization to another person to enable that person to carry on the duties of the director until such time as either another licensed instructor is designated by the school and approved by the commission as the director, or until such time as the real estate courses in progress at the time of the former director's death or incapacity are completed. A school shall not commence any new real estate courses until a qualified licensee is designated and approved as the school's director.

The provisions of this section shall not apply to any public adult education program conducted under the auspices of a board of education in this State or any accredited college or university licensed as real estate schools.

C.45:15-10.9 Director of public adult education program.

52. No public adult education program conducted under the auspices of a board of education in this State and no accredited college or university in this State shall be licensed as a real estate school unless its real estate pre-licensure education program is under the supervision of a director who is a licensed real estate instructor or an individual who has affirmatively demonstrated to the commission his good moral character and has attended a real estate instructor course approved by the commission within two years of applying to the commission for approval as the director of the real estate program. In the event of the death or physical or mental incapacity of the director of a public adult education program or the director of a college or university licensed as a real estate school, which leaves no other employee licensed as a real estate instructor or otherwise qualified to be the director of the program and willing to assume the responsibilities of the director on an interim or permanent basis, the commission may issue a temporary authorization to another person to enable that person to carry on the duties of the director until such time as either another licensed instructor or qualified person is designated by the school and approved by the commission as the director, or until such time as the real estate courses in progress at the time of the former director's death or incapacity are completed. New courses shall not be commenced by the school until a qualified person is designated and approved as the director of the school.

C.45:15-10.10 Real estate school, instructor license.

53. Upon application to the commission and payment of the prescribed license fee no later than January 1, 1994, any school and instructor then designated by the commission as an approved

school or instructor shall, subject to the results of the commission's investigation into the good moral character of the applicant, be issued a real estate school or instructor license.

C.45:15-10.11 Grounds for suspension, revocation of real estate school, instructor license.

54. The commission may suspend or revoke the license of any real estate school or instructor or impose fines as provided in R.S.45:15-17 upon satisfactory proof that the licensee is guilty of:

a. Making any false promise or substantial misrepresentation;

b. Pursuing a flagrant and continued course of misrepresentation or making false promises through agents, advertisements or otherwise;

c. Engaging in any conduct which demonstrates unworthiness, incompetency, bad faith or dishonesty;

d. Failing to provide a student with a copy of a written agreement which designates the total tuition charges for attendance at a real estate pre-licensure course offered by a licensed school, or other charges imposed upon students who enroll in the course, and the refund policy of the school in regard to tuition and other charges;

e. Using any plan, scheme or method of attracting students to enroll in a real estate pre-licensure course which involves a lottery, contest, game, prize or drawing;

f. Being convicted of a crime, knowledge of which the commission did not have at the time of last issuing a license to the licensee;

g. Procuring a real estate license for himself or anyone else by fraud, misrepresentation or deceit;

h. Making any verbal or written statement which falsely indicates that a person attended or successfully completed any real estate pre-licensure course conducted by the licensee; or

i. Any other conduct whether of the same or of a different character than specified in this section which constitutes fraud or dishonest dealing.

C.45:15-10.12 Restrictions on persons with revoked license.

55. A person whose license has been revoked pursuant to section 54 of P.L.1993, c.51 (C.45:15-10.11) shall not be a general partner, officer, director or owner, either directly or indirectly, of a controlling interest in any licensed school, nor shall the person be retained or employed in any capacity, or compensated in any manner by a licensed school, nor shall

the person occupy or share office space in a licensed school location for any purpose during the period of revocation.

C.45:15-10.13 Revocation of license of school; exceptions.

56. Upon the revocation of the instructor license issued to any partner, officer, director or owner of a controlling interest in any licensed school, the commission shall revoke the license of the school unless, within a period of time fixed by the commission, the following conditions are fulfilled: a. in the case of a licensed school owned by a partnership, the connection of the partner whose instructor license has been revoked to the school shall be severed and his interest in the school shall be divested; or b. in the case of a licensed school owned by a corporation, the officer, director or owner of a controlling interest whose instructor license has been revoked shall be terminated from the position and, where an owner of a controlling interest, his ownership of the interest shall be divested; or c. in the case of a limited partnership, if the person whose instructor license has been revoked was a general partner, his interest in the school shall be divested or, if the person whose instructor license was revoked was a limited partner, his interest in the school shall be divested if it constituted a controlling interest as defined herein. For the purposes of this section, the term "controlling interest" means 5% or more of the equity of a licensed corporation or of the ownership of a partnership.

C.45:15-10.14 Power, authority of commission.

57. The commission is expressly vested with the power and authority to promulgate and enforce all necessary rules and regulations for the conduct of the business of real estate schools offering pre-licensure and continuing education courses consistent with the provisions of this amendatory and supplementary act.

Repealer.

58. R.S.45:15-22 is repealed.

59. This act shall take effect 90 days following enactment except that sections 4, 7, 8, 9, 10, 11, 13, 15, 16, 17, 29, 30, 46, 47, 48, 49, 50, 51, 52, 54, 55, and 56 shall remain inoperative until July 1, 1994.

Approved February 19, 1993.

CHAPTER 52

AN ACT appropriating funds from the Public Purpose Buildings and Community-Based Facilities Construction Fund for the planning, construction, reconstruction, development, erection, acquisition, extension, improvement, rehabilitation and equipping of community-based facilities for the mentally ill and developmentally disabled.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. There is appropriated to the Department of Human Services from the Public Purpose Buildings and Community-Based Facilities Construction Fund created by the "Public Purpose Buildings and Community-Based Facilities Construction Bond Act of 1989," P.L.1989, c.184, the sum of $8,226,500 for the following construction projects:

Division of Developmental Disabilities	
Grants for community-based facilities for the developmentally disabled................	$716,921
Division of Mental Health and Hospitals	
Grants for community-based facilities for the mentally ill..........................	$2,305,079
Division of Youth and Family Services	
Grants for community-based facilities for the developmentally disabled and mentally ill	$5,204,500

2. There is also appropriated from the proceeds of the sale of the above mentioned bonds, such amounts as may be necessary to meet any expense incurred by the issuing officials under P.L.1989, c.184 for advertising, engraving, printing, clerical, legal or other services necessary to carry out the duties imposed upon them by the provisions of that act.

3. The Director of the Division of Budget and Accounting in the Department of the Treasury shall make those corrections in the title or text, or both, of any appropriation item authorized under this act necessary to make the appropriation available for the purposes for which it was intended. The corrections shall be made by a written ruling which shall set forth an explanation of the need for correction and which shall be signed by the Director

of the Division of Budget and Accounting and shall be filed by the director in his office as an official record. Any action pursuant to that ruling, including disbursement and the audit thereof, shall be legally binding and of full effect. An official copy of each written ruling shall be transmitted to the Legislative Budget and Finance Officer upon the effective date of the ruling.

4. The Director of the Division of Budget and Accounting may approve expenditures for predesign program planning and other related costs for capital projects authorized under this act.

5. In order to provide flexibility in administering the provisions of this act, the Commissioner of Human Services may apply to the Director of the Division of Budget and Accounting for permission to transfer a part of any item or appropriation to any other item or appropriation within the respective department accounts. The transfer shall be made upon the written approval of the director and of the Joint Budget Oversight Committee or its successor.

6. The Commissioner of Human Services shall report to the Joint Budget Oversight Committee, the Senate Health and Human Services Committee and the General Assembly Senior Citizens and Social Services Committee, or their successors, on the status of the appropriation provided in this act six months from the effective date of this act and annually thereafter until all of the funds have been expended. The status report shall specify the projects that are funded and the amounts of funds appropriated, obligated and expended for each project.

7. This act shall take effect immediately.

Approved February 19, 1993.

CHAPTER 53

AN ACT concerning the Passaic Valley sewerage district, altering and extending the boundaries thereof, and supplementing chapter 14 of Title 58 of the Revised Statutes.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

C.58:14-1.10 Boundary lines of Passaic Valley sewerage district, altered, amended, extended.

1. The boundary lines of the sewerage district known as the Passaic Valley sewerage district, created pursuant to P.L.1902, c.48, as supplemented and continued pursuant to R.S.58:14-1, are altered, amended and extended to include that portion of the Village of Ridgewood, the Borough of Midland Park, the Borough of Waldwick, the Borough of Ho-Ho-Kus and the Township of Washington, as hereinafter described:

Beginning at the point of the intersection of the center lines of the Saddle River and the Ho-Ho-Kus Brook, said point being also the point of common boundary between the Village of Ridgewood, the Borough of Glen Rock, the Borough of Fair Lawn and the Borough of Paramus; thence running northerly along the centerline of the Ho-Ho-Kus Brook, said centerline also being the boundary line between the Village of Ridgewood and the Borough of Glen Rock to an angle point at the centerline of Grove Street; thence running along said boundary line between the Village of Ridgewood and the Borough of Glen Rock for the various courses and distances to an angle point at the southeasterly line of South Broad Street; thence running westerly along the boundary line between the Village of Ridgewood and the Borough of Glen Rock to an angle point at the centerline of Lincoln Avenue; thence running southwesterly along the centerline of Lincoln Avenue also being the boundary line between the Village of Ridgewood and the Borough of Glen Rock to an angle point being the mutual municipal boundary of the Village of Ridgewood, the Borough of Glen Rock and the Borough of Hawthorne; thence running northwesterly along the boundary line between the Village of Ridgewood and the Borough of Hawthorne to the centerline of the Goffle Brook; thence northerly along the centerline of the Goffle Brook to the point of intersection of the centerline of the Goffle Brook and the mutual municipal boundary of the Village of Ridgewood and the Borough of Midland Park; thence southeasterly along the mutual municipal line of the Village of Ridgewood and the Borough of Midland Park a distance of approximately 340 feet to the westerly property line of Lot 1, Block 2.01, Midland Park; thence north 32 degrees, 50 minutes east along the westerly line of Lot 1, Block 2.01, Midland Park, a distance of 156.80 feet to the centerline of Lake Avenue; thence easterly along the centerline of Lake Avenue a distance of 260.36 feet to an angle point on the mutual municipal boundary line of the Village of Ridgewood and the Borough of Midland Park; thence northerly along the mutual municipal boundary line of the Village of Ridgewood and the Borough of Midland Park, said boundary line being within the Cottage Street R.O.W. a distance of 475.20 feet to the centerline of Godwin Avenue; thence easterly along the centerline of Godwin Avenue a distance of 39.49 feet to a point on the center line of Godwin Avenue; thence northerly along the extension of the westerly line of Lot 28, Block 4, Midland Park a distance of 119.01 feet to the southerly line of Lot 3, Block 4, Midland Park; thence along the various courses of Lot 3 and Lot 28, Block 4, Midland Park, north 47 degrees, 26 minutes east a distance of 59.63 feet, north 33 degrees, 00 minutes west a distance of 60.00 feet, south 48 degrees, 02 minutes, 50 seconds east a distance of 72.22 feet, north 45 degrees, 04 minutes east a distance of 54.00 feet, south 43 degrees, 56 minutes, 50 seconds east a distance of 50.00 feet, south 45 degrees, 04 minutes west a distance of 225.01 feet to a point on the centerline of Godwin Avenue; thence easterly along the centerline of Godwin Avenue, also being the mutual municipal boundary line of the Village of Ridgewood and the Borough of Midland Park a distance of 125.01 feet to an angle point in the municipal boundary, also being the centerline of Maltbie Avenue; thence northerly along the centerline of Maltbie Avenue, also being the mutual municipal boundary of the Village of Ridgewood and the Borough of Midland Park a distance of 325.01 feet to the extension of the southerly line of Lot 24, Block 4, Midland Park; thence along the various courses of Lot 24, Block 4, Midland Park, north 52 degrees west a distance of 152.62 feet, north 36 degrees, 00 minutes, 50 seconds east a distance of 50.00 feet, south 52 degrees east a distance of 152.62 feet to the centerline of Maltbie Avenue and the municipal boundary of the Village of Ridgewood and the Borough of Midland Park; thence northerly along the mutual municipal boundary line of the Village of Ridgewood and the Borough of Midland Park, also being the centerline of Maltbie Avenue a distance of 687.55 feet to an angle point in the municipal boundary line; thence northerly along the mutual municipal boundary line of the Village of Ridgewood and the Borough of Midland Park a distance of approximately 3,362 feet to the centerline of West Glen Avenue; thence north 75 degrees, 53 minutes, 39 seconds west along the center line of West Glen Avenue a distance of 134.21 feet to the point of intersection of West Glen Avenue and Morningside Road; thence north 53 degrees, 29 minutes, 21 seconds east along the centerline of Morningside Road a distance of 256.69 feet to a point on the mutual municipal boundary line of the Village of Ridgewood and the Borough of Midland Park; thence northwesterly along the mutual municipal boundary line of the Village of Ridgewood and the Borough of Midland Park a distance of 935.24 feet to the westerly line of Farview Avenue; thence along the various courses of Lot 3.02, Block 9.02, Midland Park, south 23 degrees, 58 minutes west, a distance of approximately 80 feet, north 65 degrees, 04 minutes west a distance of 70.00 feet, north 23 degrees, 58 minutes west a distance of approximately 80 feet to a point on the mutual municipal boundary line of the Village of Ridgewood and the Borough of Midland Park; thence northwesterly along the mutual municipal boundary line of the Village of Ridgewood and the Borough of Midland Park a distance of 555.20 feet to an angle point in the mutual municipal boundary line; thence northerly along the mutual municipal boundary line of the Village of Ridgewood and the Borough of Midland Park a distance of 2,825.56 feet to an angle point on the mutual municipal boundary line, also being the centerline of North Monroe Street; thence northerly along the mutual municipal boundary line of the Village of Ridgewood and the Borough of Midland Park, also being the centerline of North Monroe Street, a distance of 1,223.28 feet to the point of intersection of the boundary lines of the Village of Ridgewood, the Borough of Midland Park, and the Borough of Waldwick; thence north 8 degrees, 46 minutes east along the centerline of North Monroe Street a distance of 88.20 feet to an angle point on the centerline of North Monroe Street; thence north 24 degrees, 47 minutes east along the centerline of North Monroe Street a distance of 504.11 feet to the extension of the northerly line of Lot 34, Block 120.01, Waldwick; thence south 65 degrees 13 minutes east along the northerly line of Lot 34, Block 120.01, Waldwick, a distance of 160.00 feet to the easterly line of Lot 34, Block 120.01; thence south 24 degrees, 47 minutes west along the easterly lines of Lot 34 and Lot 33, Block 120.01, Waldwick, a distance of 117.37 feet to the northerly line of Lot 24, Block 120.01; thence north 79 degrees, 23 minutes, 05 seconds east along the northerly lines of Lot 24 and Lot 22, Block 120.01, and the extension easterly of said lines, a distance of 221.95 feet to the centerline of Salrit Avenue, Waldwick; thence northerly along the centerline of Salrit Avenue, Waldwick, on a curve to the right having a radius of 279.05 feet an arc distance of 64.70 feet to the extension westerly of the southerly line of Brearly Crescent, Waldwick; thence south 87 degrees, 20 minutes, 50 seconds east along the southerly line of Brearly Crescent, Waldwick, and the Brearly Crescent southerly line westerly extension a distance of 138.00 feet to the easterly line of Lot 19, Block 120, Waldwick; thence south 16 degrees, 35 minutes, 50 seconds east along the easterly lines of Lot 19 and Lot 20, Block 120, Waldwick a distance of 148.18 feet to a point on the mutual municipal boundary of the Village of Ridgewood and the Borough of Waldwick; thence north 67 degrees, 10 minutes, 50 seconds east along the mutual municipal boundary line of the Village of Ridgewood and the Borough of Waldwick a distance of 26.69 feet to an angle point on the mutual municipal boundary; thence north 23 degrees, 54 minutes, 30 seconds east along the mutual municipal boundary line of the Village of Ridgewood and the Borough of Waldwick a distance of 34.95 feet to an angle point on the mutual municipal boundary line; thence south 66 degrees, 48 minutes, 30 seconds east along the mutual municipal boundary line of the Village of Ridgewood and the Borough of Waldwick a distance of approximately 20 feet to the centerline of the Ho-Ho-Kus Brook, said centerline also being the mutual municipal boundary line of the Village of Ridgewood and the Borough of Waldwick; thence southerly along the centerline of the Ho-Ho-Kus Brook, said centerline also being the mutual municipal boundary line of the Village of Ridgewood and the Borough of Waldwick, to the point of intersection of the mutual municipal boundary of the Village of Ridgewood, the Borough of Waldwick, and the Borough of Ho-Ho-Kus; thence southerly along the centerline of the Ho-Ho-Kus Brook, said centerline being the mutual municipal boundary of the Village of Ridgewood and the Borough of Ho-Ho-Kus, to an angle point in the mutual municipal boundary of the Village of Ridgewood and the Borough of Ho-Ho-Kus; thence southerly along the mutual boundary of the Village of Ridgewood and the Borough of Ho-Ho-Kus, a distance of approximately 2,795 feet to an angle point in the mutual municipal boundary of the Village of Ridgewood and the Borough of Ho-Ho-Kus; thence easterly along the mutual municipal boundary of the Village of Ridgewood and the Borough of Ho-Ho-Kus, a distance of approximately 140 feet to the westerly line of Lot 1, Block 7, Ho-Ho-Kus; thence northerly along the westerly line of Lot 1, Block 7, a distance of approximately 665 feet to the southerly line of Brookside Avenue (50 feet wide), Ho-Ho-Kus; thence north approximately 40 degrees east a distance of 25.00 feet to the centerline of Brookside Avenue, Ho-Ho-Kus; thence southeasterly along the centerline of Brookside Avenue a distance of approximately 695 feet to the centerline of Cliff Street, Ho-Ho-Kus; thence southerly along the centerline of Cliff Street, Ho-Ho-Kus, a distance of approximately 225 feet to the extension westerly of the northerly line of Lot 17, Block 21, Ho-Ho-Kus; thence south approximately 75 degrees east along the northerly line of Lot 17, Block 21, Ho-Ho-Kus and said westerly extension, a distance of approximately 125 feet to the westerly line of Lot 16, Block 21; thence north approximately 16 degrees east along the westerly line of Lot 16, Block 21, Ho-Ho-Kus, a distance of 108.59 feet to the northerly line of Lot 16, Block 21; thence south approximately 79 degrees east along the northerly lines of Lot 16, Lot 15, and Lot 14, Block 21, Ho-Ho-Kus a distance of 151.93 feet to the easterly line of Lot 14, Block 21; thence north approximately 16 degrees east along the westerly lines of Lot 7.01, Lot 7, and Lot 6, Block 21, Ho-Ho-Kus a distance of 100.00 feet to the southerly line of Brookside Avenue, Ho-Ho-Kus; thence south approximately 79 degrees east along the southerly line of Brookside Avenue, Ho-Ho-Kus, and the extension easterly of the southerly line of Brookside Avenue a distance of approximately 122 feet to the centerline of Maple Avenue, Ho-Ho-Kus; thence southerly along the centerline of Maple Avenue, Ho-Ho-Kus a distance of approximately 353 feet to the centerline of the easterly part of First Street, said centerline also being the mutual municipal boundary line of the Village of Ridgewood and the Borough of Ho-Ho-Kus; thence easterly along the centerline of First Street a distance of approximately 355 feet to the centerline of Barnett Place; thence northerly along the centerline of Barnett Place a distance of approximately 310 feet to the centerline of the Ho-Ho-Kus Brook; thence southerly along the centerline of the Ho-Ho-Kus Brook to the mutual municipal boundary line of the Village of Ridgewood and the Borough of Ho-Ho-Kus; thence easterly along the mutual municipal boundary of the Village of Ridgewood and the Borough of Ho-Ho-Kus to an angle point on the mutual municipal boundary; thence northerly along the mutual municipal boundary of the Village of Ridgewood and the Borough of Ho-Ho-Kus to the centerline of Franklin Turnpike, said centerline also being the mutual municipal boundary line; thence easterly along the mutual municipal boundary line of the Village of Ridgewood and the Borough of Ho-Ho-Kus, also being the centerline of Franklin Turnpike to the centerline of Race Track Road, also being the mutual municipal boundary; thence easterly along the mutual municipal boundary of the Village of Ridgewood and the Borough of Ho-Ho-Kus, also being the centerline of Race Track Road to the centerline of West Saddle River Road; thence easterly along the mutual municipal boundary of the Village of Ridgewood and the Borough of Ho-Ho-Kus on a many varied course to the centerline of East Saddle River Road; thence northerly along the centerline of East Saddle River Road a distance of 258.95 feet to the northerly line of Lot 27, Block 93, Ho-Ho-Kus; thence northerly and easterly along the lines of Lot 27, Lot 26, and Lot 28, Block 93.01, Ho-Ho-Kus, north 69 degrees, 05 minutes, 00 seconds east a distance of 314.14 feet; north 7 degrees, 48 minutes, 30 seconds east a distance of 99.20 feet, south approximately 82 degrees east a distance of 161.19 feet, north approximately 10 degrees east a distance of 268.72 feet, north approximately 80 degrees east a distance of approximately 288 feet to the centerline of Deerhill Drive, Ho-Ho-Kus; thence northerly along the centerline of Deerhill Road, Ho-Ho-Kus a distance of approximately 48 feet to the extension westerly of the northerly line of Lot 4, Block 93.03, Ho-Ho-Kus; thence easterly along the northerly lines of Lot 4, Lot 5, Lot 6, Lot 7, and Lot 8, Block 93.03, Ho-Ho-Kus, south 68 degrees, 16 minutes, 20 seconds east a distance of approximately 500 feet, north 21 degrees, 43 minutes, 40 seconds east a distance of 154.60 feet, south 38 degrees, 27 minutes, 34 seconds east a distance of 230.50 feet, south 21 degrees, 43 minutes, 40 seconds west a distance of 40.00 feet, south 68 degrees, 16 minutes, 20 seconds east a distance of approximately 382 feet to the centerline of East Gate Road, Ho-Ho-Kus; thence southerly along the centerline of East Gate Road, Ho-Ho-Kus, a distance of approximately 132 feet to the westerly extension of the northerly line of Lot 7, Block 93.02, Ho-Ho-Kus; thence easterly along the northerly line of Lot 7, Block 93.02 and its extension a distance of 235.00 feet to the westerly line of Lot 15, Block 93.02, Ho-Ho-Kus; thence north 9 degrees, 50 minutes, 23 seconds west along the westerly line of Lot 15, Block 93.02, Ho-Ho-Kus, a distance of 600.00 feet to the northerly line of Lot 15, Block 93.02; thence south approximately 66 degrees east along the northerly line of Lot 15, Block 93.02 a distance of approximately 516 feet to the mutual municipal boundary of the Borough of Ho-Ho-Kus and the

Township of Washington; thence easterly along the northerly line of Lot 1, Block 1302, Township of Washington south approximately 66 degrees east a distance of approximately 795 feet to the centerline of Van Emburgh Avenue, Township of Washington; thence southwesterly along the centerline of Van Emburgh Avenue, Township of Washington, a distance of 200.00 feet to the extension westerly of the northerly line of Lot 1.01, Block 1305, Township of Washington; thence easterly along the northerly line of Lot 1.01, Block 1305, Township of Washington and the extension of the northerly line of Lot 1.01, Block 1305, south approximately 66 degrees east a distance of 373.58 feet to the westerly line of Lot 2, Block 1305, Township of Washington; thence southerly along the westerly line of Lot 2, Block 1305, Township of Washington, south approximately 23 degrees east a distance of 467.98 feet to the southerly line of Lot 2, Block 1305, Township of Washington; thence easterly along the southerly line of Lot 2, Block 1305, Township of Washington, south approximately 78 degrees east a distance of approximately 298 feet to the westerly line of the Garden State Parkway; thence southerly along the westerly line of the Garden State Parkway a distance of approximately 1,185 feet to the southerly line of Lot 1, Block 1401, Township of Washington; thence northwesterly along the southerly line of Lot 1, Block 1401, Township of Washington, north approximately 77 degrees west a distance of 518.27 feet to the centerline of Douglas Drive, Township of Washington; thence southerly along the centerline of Douglas Drive, Township of Washington, a distance of approximately 106 feet to the centerline of Barry Drive, Township of Washington; thence westerly along the centerline of Barry Drive, Township of Washington, a distance of approximately 193 feet to the northerly extension of the easterly line of Lot 6, Block 1404.01, Township of Washington; thence southerly along the extension of the easterly line of Lot 6, Block 1404.01, Township of Washington, and the easterly line of Lot 6, Lot 7, Lot 8, Lot 9, Lot 10, Lot 11, and Lot 13, Block 1404.01, Township of Washington, south approximately 22 degrees east a distance of approximately 835 feet, north approximately 88 degrees east a distance of 10.52 feet, south approximately 22 degrees east a distance of 86.69 feet, south approximately 4 degrees west a distance of 224.38 feet to the centerline of Hampshire Road, Township of Washington; thence westerly along the centerline of Hampshire Road a distance of 158.29 feet to the extension of the easterly line of Lot 11, Block

1403.01, Township of Washington; thence southerly along the extension of the easterly line of Lot 11, Block 1403.01, Township of Washington, and the easterly line of Lot 11, Block 1403.01, south approximately 3 degrees west a distance of 245.14 feet to the southerly line of Lot 11; Block 1403.01, Township of Washington; thence westerly along the southerly lines of Lot 11, Lot 12, Lot 13, and Lot 14, Block 1403.01, Township of Washington, north approximately 78 degrees west a distance of 370.78 feet to the easterly line of Lot 2, Block 1403, Township of Washington; thence southerly along the easterly line of Lot 2, Block 1403, Township of Washington, south approximately 17 degrees west a distance of 414.06 feet to the northerly line of Lot 5, Block 2505, Township of Washington; thence easterly along the northerly lines of Lot 5 and Lot 1, Block 2505, Township of Washington, south approximately 77 degrees east a distance of 79.65 feet to the easterly line of Lot 1, Block 2505, Township of Washington; thence southerly along the easterly line of Lot 1, Block 2505, Township of Washington, south approximately 9 degrees west a distance of 406.55 feet to the centerline of East Glen Avenue, Township of Washington; thence southerly along the extension northerly of the easterly line of Lot 2, Block 2501, Township of Washington and the easterly line of Lot 2, Lot 5, Lot 6, Lot 7, Lot 8, Lot 9, and Lot 10, Block 2501, and Lot 1 and Lot 2, Block 2502, Township of Washington, south approximately 9 degrees west a distance of 740.74 feet, south approximately 76 degrees east a distance of 70.59 feet, south approximately 15 degrees west a distance of 541.19 feet to the centerline of Linwood Avenue, said centerline also being the mutual municipal boundary line of the Township of Washington and the Borough of Paramus; thence westerly along the centerline of Linwood Avenue a distance of 120.16 feet to the mutual municipal boundary point of the Village of Ridgewood, the Township of Washington, and the Borough of Paramus; thence westerly along the mutual municipal boundary of the Village of Ridgewood and the Borough of Paramus a distance of approximately 2,540 feet to the extension southerly of the easterly line of Lot 3, Block 4807, Ridgewood; thence northerly along the extension southerly and the easterly line of Lot 3, Block 4807, Ridgewood, north 24 degrees, 02 minutes east a distance of 288.90 feet to the northerly line of Lot 3, Block 4807; thence westerly and southerly along the northerly and westerly lines of Lot 3, Block 4807, Ridgewood, north 65 degrees, 45 minutes west a distance of 70.00 feet, south 24 degrees, 02 minutes west a distance of 290.40 feet to the centerline of Linwood Avenue, said centerline also being the mutual municipal boundary of the Village of Ridgewood and the Borough of Paramus; thence westerly along the mutual municipal boundary of the Village of Ridgewood and the Borough of Paramus a distance approximately 1,005 feet to the centerline of the Saddle River; thence southerly along the mutual municipal boundary of the Village of Ridgewood and the Borough of Paramus; also being the centerline of the Saddle River to the confluence of the Saddle River and the Ho-Ho-Kus Brook; said confluence being the mutual municipal boundary point of the Village of Ridgewood, the Borough of Paramus, the Borough of Fair Lawn and the Borough of Glen Rock, and the principal point or place of beginning.

2. This act shall take effect immediately.

Approved February 22, 1993.

CHAPTER 54

AN ACT concerning interest assessed on late charges due to the Passaic Valley Sewerage Commission and amending P.L.1953, c.388.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. Section 11 of P.L.1953, c.388 (C.58:14-34.20) is amended to read as follows:

C.58:14-34.20 Interest on indebtedness as cost of system.

11. For all purposes of the original act, and of any contract made or hereafter made thereunder or for the purposes thereof, the cost and expense of maintenance, repair and operation of the sewerage system for any year shall be deemed to include, and shall include, in addition to all other items heretofore included, all interest becoming due prior to the end of such year on bonds or other obligations of the commissioners issued pursuant to this act, plus the principal or redemption premium of any such bonds or obligations becoming due prior to the end of such year, plus such sums as the commissioners may determine or by the terms of any contract be required to set aside during such year as a reserve for

payment or security of principal of or interest on any such bonds or obligations or be by the terms of any contract required to set aside during such year as a reserve for any other purpose. The contracting municipalities and other users of the sewerage system are hereby authorized and directed to do and perform any and all acts and things necessary, convenient or desirable to pay to the commissioners annually the total cost and expense (as herein referred to and described) of maintenance, repair and operation of the sewerage system apportioned as above provided. If any payment on account of the cost and expense (as herein referred to and described) of maintenance, repair and operation of the sewerage system, or any part thereof, due to the commissioners under the original act or any such contract from a contracting municipality or other user shall remain unpaid for 30 days after the commissioners have notified such contracting municipality or other user by mail of the amount due and the due date, such contracting municipality or other user shall be charged with and shall pay to the commissioners interest on the amount unpaid from 30 days after such notice of the commissioners was mailed until paid, at a rate equal to two percentage points over the average prime rate for the 30-day period beginning on the date the notice of the commissioners was mailed. Every obligation assumed by or imposed upon any contracting municipality or other user by the original act or any such contract or this act shall be enforceable by the commissioners by appropriate action, suit or proceeding, and the commissioners may have and pursue any and all remedies provided by law for the enforcement of such obligation.

2. Within 30 days from the effective date of this act, the rate of interest on unpaid late charges assessed prior to the effective date pursuant to section 11 of P.L.1953, c.388 (C.58:14-34.20), shall be recalculated in accordance with the provisions of that section.

3. This act shall take effect immediately.

Approved February 22, 1993.

CHAPTER 55

AN ACT concerning the State Sanitary Code and amending P.L.1947, c.177.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. Section 10 of P.L.1947, c.177 (C.26:1A-10) is amended to read as follows:

C.26:1A-10 Violation of State Sanitary Code, penalty.

10. Each violation of any provision of the State Sanitary Code shall constitute a separate offense and shall be punishable by a penalty of not less than $50 nor more than $1,000. Each such penalty shall be sued for and recovered in a civil action, in any court of competent jurisdiction, by and in the name of the State Department of Health or by and in the name of the local board of health of the municipality in which the violation occurred.

Any penalty recovered in any such action shall be paid to the plaintiff therein. When the plaintiff is the State Department of Health, the penalty recovered shall be paid by the department to the State Treasurer. When the plaintiff is a local board of health, the penalty recovered shall be paid by the local board into the treasury of the municipality within which the local board has jurisdiction.

2. This act shall take effect immediately.

Approved February 23, 1993.

CHAPTER 56

AN ACT concerning the Health Care Administration Board and amending P.L.1971, c.136.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. Section 4 of P.L.1971, c.136 (C.26:2H-4) is amended to read as follows:

C.26:2H-4 Health Care Administration Board; membership; appointment; terms; vacancies; meetings; compensation.

4. There shall be in the State Department of Health, a Health Care Administration Board which shall consist of 13 members, 11 of whom shall be appointed by the Governor with the advice and

consent of the Senate, and representative of medical and health care facilities and services, labor, industry and the public at large, and two of whom shall be ex officio members. Of the 11 members appointed by the Governor, no less than six shall be consumers of health care services who are not providers of health care services, and at least one shall be representative of long-term health care facilities or services. The State Commissioner of Health and the Commissioner of Insurance or their designated representatives, shall be ex officio voting members of the board and shall serve on the board during their respective terms of office. Of the original members appointed to the board, four shall be appointed for terms of three years, four for terms of two years, and three for terms of one year. Following the expiration of the initial terms, members of the board shall be appointed for terms of four years. Any vacancy occurring in the membership of the board shall be filled in the same manner as the original appointment, but for the unexpired term only. Appointive members of the board shall continue to serve as voting members until their successors are appointed. The board shall meet at least quarterly and at such other times as its rules may prescribe or as in its judgment, may be necessary. The appointive members of the board shall serve without compensation but shall be reimbursed for necessary expenses incurred in the performance of their duties.

Members serving on the board on the effective date of this act shall continue to serve until the expiration of their terms. Successors shall be appointed only from among consumers of health care services who are not providers of such services until there are at last six such members on the board. Successors shall thereafter be appointed from among both consumers and providers of health care services in a manner consistent with the terms of this act.

2. This act shall take effect immediately.

Approved February 23, 1993.

CHAPTER 57

AN ACT creating the Clean Ocean and Shore Trust (COAST) Committee and supplementing Title 13 of the Revised Statutes, and making an appropriation.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

C.32:34-1 Short title.

1. This act shall be known, and may be cited, as the "New Jersey - New York Clean Ocean and Shore Trust (COAST) Committee Act."

C.32:34-2 Findings, declarations on Atlantic coastline of New Jersey and New York.

2. The Legislature finds and declares that the Atlantic coastline of New Jersey and New York is a major natural and scenic resource providing innumerable recreational, commercial, and aesthetic benefits central to the welfare of the citizens of, and visitors to, both states; that the value of these benefits is heavily dependent on the water quality of the Atlantic ocean along the New Jersey and New York shores, especially within the Hudson - Raritan estuary and the New York - New Jersey Bight area; that poor ocean water quality is a potential threat to public health and to the vitality of the coastal tourism industry; that use and misuse of the coastal resources of one state can severely affect the condition of the coastal resources of the other; that the States of New Jersey and New York and their respective citizens share a concern to preserve the natural and scenic resources and protect the environmental integrity of the Hudson - Raritan estuary and the New York - New Jersey Bight area, and to enhance the coastal tourism industry of the two states.

The Legislature therefore determines that there is a need for a bi-state cooperative effort to help ensure that the natural and scenic resources and the environmental integrity of the Hudson - Raritan estuary and the New York - New Jersey Bight area from Cape May Point, New Jersey, to Montauk Point, New York, are preserved, protected, maintained, and restored, and that the coastal tourism industry of the two states is enhanced to the maximum extent practicable and feasible; and that it is appropriate to create a bi-state committee to commence that cooperative effort by formulating, evaluating, and recommending strategies therefor, which would be transmitted to appropriate state and local officials and members of Congress of the two states for consideration and possible implementation.

C.32:34-3 Clean Ocean and Shore Trust (COAST) Committee.

3. a. There is created the Clean Ocean and Shore Trust (COAST) Committee, which shall comprise 18 members, nine of whom shall be residents of the State of New Jersey and nine of whom shall be residents of the State of New York. The New Jersey members shall

be as follows: two members of the Senate, from different political parties, to be appointed by the President thereof; two members of the General Assembly, from different political parties, to be appointed by the Speaker thereof; the Director of the Division of Science and Research of the New Jersey Department of Environmental Protection; the Director of the Division of Travel and Tourism in the New Jersey Department of Commerce, Energy and Economic Development; the Director of the Institute of Marine and Coastal Sciences at Rutgers, The State University of New Jersey; the Director of the Center for Environmental Engineering at the Stevens Institute of Technology; and one private citizen with expertise in marine pollution, coastal resource preservation, marine fisheries, or coastal tourism, to be appointed by the Governor, with the advice and consent of the Senate.

b. The New Jersey legislative and administrative agency members of the committee, and the members from Rutgers University and the Stevens Institute of Technology, or their designees, shall serve ex officio. The private citizen member of the committee appointed by the Governor of New Jersey shall serve at the pleasure of the Governor. Vacancies in the appointed positions on the committee shall be filled in the same manner as the original appointments were made.

c. New Jersey members of the committee shall serve without compensation, but may, within the limits of funds appropriated or otherwise made available to it, be reimbursed for actual expenses necessarily incurred in the discharge of their official duties.

d. The committee shall organize as soon as may be practicable after the appointment of its members, and shall select two co-chairpersons from its members, one from each state, and a secretary who need not be a member. Meetings of the committee shall be at such times and places as the co-chairpersons of the committee deem appropriate.

e. The committee may call to its assistance, and avail itself of the services of, such employees of the two states, or any political instrumentalities thereof, as it may require and as may be made available to it for the purpose of carrying out its duties under this act. If requested by the committee, the New Jersey Department of Environmental Protection and the New York Department of Environmental Conservation, or their successors, shall provide primary staff support.

f. The committee may, within the limits of funds appropriated or otherwise made available to it for those purposes, employ such professional, stenographic, and clerical staff and incur such traveling and other miscellaneous expenses as it may deem necessary in order to perform its duties.

g. The committee may, within the limits of funds appropriated or otherwise made available to it for those purposes, establish an advisory panel comprised of scientists and technical experts from the profit and nonprofit sectors. This panel would identify and define problems and priority issues of the Hudson - Raritan estuary and the New York - New Jersey Bight area, and provide the committee with scientific and technical advice.

C.32:34-4 Duties of committee.

4. It shall be the duty of the committee to:

a. Assess the present and projected status of the natural and scenic resources, and the environmental and ecological integrity, of the Hudson - Raritan estuary and the New York - New Jersey Bight area, especially with regard to the effects of pollution and development thereon;

b. Assess the impact any action proposed in or for the Hudson - Raritan estuary or the New York - New Jersey Bight area may have upon the natural and scenic resources of the estuary or bight area;

c. Assess the condition of the coastal tourism industry;

d. Formulate and evaluate strategies for the preservation of the natural and scenic resources of the Hudson - Raritan estuary and the New York - New Jersey Bight area, the protection of the environmental integrity thereof, and the enhancement of the coastal tourism industry, all to the maximum extent practicable and feasible;

e. Assess for priority consideration the research agendas and action plans recommended by the National Estuary Program, including the implementation of recommendations of the Comprehensive Conservation and Management Plans of the New York - New Jersey Harbor Estuary Program / New York - New Jersey Bight Restoration Plan and the Delaware Estuary Program;

f. Recommend and initiate special studies or research, as it deems necessary, to generate the data required to make the assessments and provide the recommendations required by this act;

g. Coordinate and recommend standardization of laws affecting the Hudson - Raritan estuary and the New York - New Jersey Bight area;

h. Apprise Congress and the federal government of the two states' common concerns regarding the natural and scenic resources, the environmental integrity, and the tourism industry of the Hudson - Raritan estuary and the New York - New Jersey Bight area, and, where appropriate, petition Congress and federal government agencies for funding, additional authority required by the two states, and other needed legislation that would further the goals and purposes of this act and the committee created pursuant thereto; and

i. Take such other action that may be necessary to further the purposes of this act.

C.32:34-5 Report on findings, recommendations.

5. The committee shall report, by February 15 next following the first full year after enactment of this act and annually thereafter, its findings, together with any recommendations for federal or state legislation or administrative action, or action by local governments, to the Governors and Legislatures of the States of New Jersey and New York; the governing bodies of Atlantic, Bergen, Burlington, Cape May, Essex, Hudson, Middlesex, Monmouth, Ocean, and Union counties, New Jersey; the governing bodies of Nassau, Suffolk, and Westchester counties, New York; the Mayor and the City Council of the City of New York; and every member of Congress elected from the States of New Jersey and New York.

6. There is appropriated from the General Fund to the Clean Ocean and Shore Trust (COAST) Committee the sum of $75,000 for the purposes of this act.

7. This act shall take effect upon enactment of substantially similar legislation by the State of New York, unless the State of New York has enacted such legislation prior to the date of enactment of this act, in which case this act shall take effect immediately.

Approved February 23, 1993.

CHAPTER 58

AN ACT concerning volunteer first aid, ambulance and rescue squads and supplementing Title 26 of the Revised Statutes.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

C.26:2K-60 Requests for assistance of first aid, ambulance, rescue squad.

1. In the event of an emergency, the chief executive officer of any volunteer first aid, ambulance or rescue squad or the mayor or

chief executive officer of any municipality may request assistance from the chief executive officer of any volunteer first aid, ambulance or rescue squad located in and serving another municipality for the protection and preservation of life within the territorial jurisdiction served by the squad requesting the assistance.

The chief executive officer of the volunteer first aid, ambulance or rescue squad located in and normally serving a contiguous municipality to whom such a request for assistance is made shall, except as hereinafter otherwise set forth, provide such personnel and equipment as requested to the extent possible without endangering any person or property within the municipality in which the assisting squad is located and which it normally serves.

The members of any squad providing assistance shall have, while so acting, the same rights and immunities as they otherwise enjoy in the performance of their normal duties in the municipality, or other territorial jurisdiction, in which the squad is located and which it normally serves.

If any member of the assisting first aid, ambulance or rescue squad shall, in rendering such assistance, suffer any injury or death, the member or his designee or legal representative shall be entitled to all salary, pension rights, workers compensation and other benefits to which the member would be entitled if the casualty or death had occurred in the performance of the member's duties in the municipality, or other territorial jurisdiction, in which the squad is located and which it normally serves.

C.26:2K-61 Agreements for mutual first aid, ambulance, rescue squad assistance.

2. The governing bodies of two or more municipalities may, by enacting reciprocal ordinances, enter into agreements with each other for mutual first aid, ambulance or rescue squad assistance in case of emergency, subject to the written approval of the volunteer first aid, ambulance or rescue squad or squads involved. The agreements may provide for:

a. Terms and conditions for payment by the municipality receiving assistance to the municipality rendering assistance for each member and each equipped first aid, ambulance or rescue squad apparatus for each hour supplied;

b. The reimbursement of the municipality or municipalities rendering assistance for any damage to first aid, ambulance or rescue squad equipment or other property and for payment to any member of a first aid, ambulance or rescue squad for injuries sustained while serving pursuant to such agreements, or to a surviving spouse or other dependent if death results; and

c. A joint meeting of the municipalities entering into such agreements regarding other matters as are mutually deemed necessary.

C.26:2K-62 Suspension of agreement.

3. A county emergency management coordinator may, by express order, suspend operation of the provisions of any agreement entered into pursuant to section 2 of P.L.1993, c.58 (C.26:2K-61) by municipalities in the county, upon declaration of an emergency pursuant to P.L.1942, c.251 (C.App.A:9-33 et seq.) or any regulation promulgated thereunder.

4. This act shall take effect immediately.

Approved March 3, 1993.

CHAPTER 59

AN ACT concerning the election of school board members in a State operated school district.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. a. Notwithstanding the provisions of any law to the contrary, any election of school board members in a State operated school district which is to be conducted at the April, 1993 annual school election pursuant to section 15 of P.L.1987, c.399 (C.18A:7A-48) shall be conducted at the April, 1994 annual school election. Between April, 1993 and the April, 1994 annual school election, the State district superintendent may bring any matter for a vote before the board of education established pursuant to section 14 of P.L.1987, c.399 (C.18A:7A-47) and shall bring for a vote before the board matters concerning the adoption of the district's curriculum; however the State district superintendent shall retain veto power.

b. The board of education shall be governed by Robert's Rules of Order.

2. This act shall take effect immediately.

Approved March 3, 1993.

CHAPTER 60

AN ACT concerning public institutions of higher education and amending P.L.1986, c.43.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. Section 14 of P.L.1986, c.43 (C.18A:64-65) is amended to read as follows:

C.18A:64-65 Advertisement for bids.

14. All advertisements for bids shall be published in a legal newspaper sufficiently in advance of the date fixed for receiving the bids to promote competitive bidding but in no event less than 30 days prior to that date for construction projects requiring the approval of the State Board of Higher Education and 10 days prior to that date for any other contract or purchase. The advertisement shall designate the manner of submitting and of receiving the bids and the time and place at which the bids will be received. If the published specifications provide for receipt of bids by mail, those bids which are mailed to the State college shall be sealed and shall be opened only at such time and place as all bids received are unsealed and announced. At that time and place, the contracting agent of the State college shall publicly receive the bids and thereupon immediately proceed to unseal them and publicly announce the contents, which announcement shall be made in the presence of any parties bidding or their agents who are then and there present. A proper record of the prices and terms shall be made. No bids shall be received after the time designated in the advertisement.

2. This act shall take effect immediately.

Approved March 3, 1993.

CHAPTER 61

AN ACT concerning long-term care and supplementing Title 36 of the Revised Statutes.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

C.36:2-31 "Long-Term Care Week" designated.

1. a. The second full week of May in each year shall be designated as "Long-Term Care Week" in the State of New Jersey to increase public awareness of the contributions made by persons in the long-term care field who are providing care to some of the most vulnerable members of our community.

b. Each year during "Long-Term Care Week," awards for County Long-Term Care Volunteer of the Year shall be presented by the Governor to a volunteer in each county for that individual's dedication to service and invaluable volunteer assistance.

c. Nominations for the award shall be submitted by persons involved in the long-term care field in the State at any time during the year to the Governor, with a written statement setting forth the reasons for the individual's nomination.

d. From the nominations submitted, the Governor shall select a recipient from each county. The award shall be presented by the Governor in a public ceremony on a day during "Long-Term Care Week."

2. This act shall take effect immediately.

Approved March 4, 1993.

CHAPTER 62

AN ACT concerning the effect of municipal ordinances adopted pursuant to certain obsolete tax exemption and abatement statutes and amending P.L.1991, c.441.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. Section 23 of P.L.1991, c.441 is amended to read as follows:

23. a. No exemption or abatement granted, or tax agreement entered into, pursuant to an ordinance adopted pursuant to an act repealed by this act shall be affected or terminated by virtue of that repeal, but shall remain in effect for the time and under the

terms granted as if the act authorizing the ordinance had not been so repealed. Notwithstanding that repeal, any restriction or limitation contained in that act against a property being granted an additional exemption or abatement thereunder shall apply with respect to granting an exemption or abatement under this act, and no property which was granted an exemption or abatement under an act so repealed shall be granted an exemption or abatement under this act unless the property would have qualified for an additional exemption or abatement under the act so repealed.

b. Any ordinance adopted pursuant to an act repealed by this act shall continue in effect until the effective date of an ordinance either repealing that ordinance or adopting an ordinance pursuant to section 4 of P.L.1991, c.441 (C.40A:21-4) or until January 18, 1994, whichever occurs earlier.

2. This act shall take effect immediately and shall be retroactive to January 18, 1992.

Approved March 4, 1993.

CHAPTER 63

AN ACT concerning hospital patient appeals and supplementing Title 26 of the Revised Statutes.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. For the period ending December 31, 1992, the Department of Health shall provide an appropriate mechanism by which to hear and adjudicate an appeal by a hospital patient of the patient's bill under the Diagnosis Related Group methodology for determining the schedule of rates for acute care hospitals approved by the Hospital Rate Setting Commission pursuant to section 5 of P.L.1978, c.83 (C.26:2H-4.1), in accordance with procedures established by regulation by the Commissioner of Health as set forth at N.J.A.C.8:31B-3.78. An appeal may be based upon: (1) an admission of the patient to the hospital or procedure administered to the patient which the patient alleges was medically

unnecessary or inappropriate, if the patient submitted an appeal to an established peer review mechanism that is representative of physicians in the appropriate area of the State as defined in N.J.A.C.8:31B-3.77 during the patient's hospital stay; (2) an allegedly incorrect assignment of the patient to a diagnosis related group; or (3) an allegedly inequitable or excessive bill when the patient is responsible for an amount of $250 or more as a result of charges calculated under the Diagnosis Related Group methodology and the amount is not covered by any State or federal program or health insurance contract or policy.

2. A hospital is not entitled to receive any amount of a patient's bill which the patient is not required to pay as a result of a successful appeal, either from the patient or from the patient's third party payer.

3. This act shall take effect immediately and shall be retroactive to February 22, 1992.

Approved March 4, 1993.

CHAPTER 64

AN ACT concerning health officers and amending P.L.1975, c.329.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. Section 3 of P.L.1975, c.329 (C.26:3A2-3) is amended to read as follows:

C.26:3A2-3 Definitions.

3. As used in this act unless otherwise specifically indicated:

a. "Local health agency" means any county, regional, municipal or other governmental agency organized for the purpose of providing health services, administered by a full-time health officer and conducting a public health program pursuant to law.

b. "County health department" means an agency established and organized pursuant to this act by a county board of health for the purpose of providing within its area of jurisdiction, health services required for the protection of the health of citizens and for the enforcement of health ordinances and statutes.

c. "County board of health" means a body established pursuant to this act by a county board of freeholders, and empowered to exercise within its area of jurisdiction all the powers of a local board of health pursuant to law.

d. "County health advisory commission" or "commission" means the body established by a county board of health pursuant to this act to advise the county health department regarding health problems and measures required to improve health and to control disease and disability in the county.

e. "Regional health commission" means an association of boards of health of two or more municipalities formed to furnish such boards with public health services pursuant to P.L.1938, c.67 (C.26:3-83 to 26:3-94).

f. "Contracting health agency" means a municipality or group of municipalities which enter into contractual agreements with approved health agencies or health agencies pending approval for the provision of public health services.

g. "Full-time health officer" means a holder of a license as a health officer issued by the State Department of Health to an individual who is a full-time employee of a local health agency or of any unit of government participating in a certified program.

h. "Area of jurisdiction" means the geographic area within each of the municipalities which contracts with a county board of health for the provision of health services meeting the "Standards of Performance."

i. "Standards of Performance" means the "Recognized Public Health Activities and Minimum Standards of Performance for Local Boards of Health in New Jersey" as prescribed by the Public Health Council of the New Jersey State Department of Health under the authority of P.L.1947, c.177 (C.26:1A-1 et seq.).

j. "Commissioner" means the State Commissioner of Health or his designee.

2. Section 14 of P.L.1975, c.329 (C.26:3A2-14) is amended to read as follows:

C.26:3A2-14 Appointment of health officer, other personnel.

14. Every local health agency shall be administered by a full-time health officer. The health officer and other personnel employed by a municipality, groups of municipalities or county which shall have adopted, or which shall hereafter adopt, the pro-

visions of the "Civil Service Act," P.L.1986, c.112 (N.J.S.11A:1-1 et seq.), shall be appointed in accordance with the provisions of that act. The health officer shall not be prohibited from simultaneously performing other functions or holding other titles within that governmental unit.

3. This act shall take effect immediately.

Approved March 4, 1993.

CHAPTER 65

AN ACT concerning campaign contributions and expenditures, revising and supplementing P.L.1973, c.83 (C.19:44A-1 et seq.) and amending P.L.1974, c.26 and P.L.1989, c.4.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. Section 2 of P.L.1973, c.83 (C.19:44A-2) is amended to read as follows:

C.19:44A-2 Declaration of policy.

2. It is hereby declared to be in the public interest and to be the policy of the State to limit political contributions and to require the reporting of all contributions received and expenditures made to aid or promote the nomination, election or defeat of any candidate for public office or to aid or promote the passage or defeat of a public question in any election and to require the reporting of all contributions received and expenditures made to provide political information on any candidate for public office, or on any public question.

2. Section 3 of P.L.1973, c.83 (C.19:44A-3) is amended to read as follows:

C.19:44A-3 Definitions.

3. As used in this act, unless a different meaning clearly appears from the context:

a. (Deleted by amendment, P.L.1993, c.65.)

b. (Deleted by amendment, P.L.1993, c.65.)

c. The term "candidate" means: (1) an individual seeking election to a public office of the State or of a county, municipality or school district at an election; except that the term shall not include an individual seeking party office; and (2) an individual who shall have been elected or failed of election to an office, other than a party office, for which he sought election and who receives contributions and makes expenditures for any of the purposes authorized by section 17 of P.L.1993, c.65 (C.19:44A-11.2) during the period of his service in that office.

d. The terms "contributions" and "expenditures" include all loans and transfers of money or other thing of value to or by any candidate, candidate committee, joint candidates committee, political committee, continuing political committee, political party committee or legislative leadership committee and all pledges or other commitments or assumptions of liability to make any such transfer; and for purposes of reports required under the provisions of this act shall be deemed to have been made upon the date when such commitment is made or liability assumed.

e. The term "election" means any election described in section 4 of this act.

f. The term "paid personal services" means personal, clerical, administrative or professional services of every kind and nature including, without limitation, public relations, research, legal, canvassing, telephone, speech writing or other such services, performed other than on a voluntary basis, the salary, cost or consideration for which is paid, borne or provided by someone other than the committee, candidate or organization for whom such services are rendered. In determining the value, for the purpose of reports required under this act, of contributions made in the form of paid personal services, the person contributing such services shall furnish to the treasurer through whom such contribution is made a statement setting forth the actual amount of compensation paid by said contributor to the individuals actually performing said services for the performance thereof. But if any individual or individuals actually performing such services also performed for the contributor other services during the same period, and the manner of payment was such that payment for the services contributed cannot readily be segregated from contemporary payment for the other services, the contributor shall in his statement to the treasurer so state and shall either (1) set forth his best estimate of the dollar amount of payment to each such individual which is attributable to the contribution of his paid personal services, and shall certify the substantial accuracy of the same, or (2) if unable to determine such amount with sufficient accuracy, set forth the total compensation paid by him to each such individual for the period of time during which the services contributed by him were performed. If any candidate is a holder of public office to whom there is attached or assigned, by virtue of said office, any aide or aides whose services are of a personal or confidential nature in assisting him to carry out the duties of said office, and whose salary or other compensation is paid in whole or part out of public funds, the services of such aide or aides which are paid for out of public funds shall be for public purposes only; but they may contribute their personal services, on a voluntary basis, to such candidate for election campaign purposes.

g. (Deleted by amendment, P.L.1983, c.579.)

h. The term "political information" means any statement including, but not limited to, press releases, pamphlets, newsletters, advertisements, flyers, form letters, or radio or television programs or advertisements which reflects the opinion of the members of the organization on any candidate or candidates for public office, on any public question, or which contains facts on any such candidate, or public question whether or not such facts are within the personal knowledge of members of the organization.

i. The term "political committee" means any two or more persons acting jointly, or any corporation, partnership, or any other incorporated or unincorporated association which is organized to, or does, aid or promote the nomination, election or defeat of any candidate or candidates for public office, or which is organized to, or does, aid or promote the passage or defeat of a public question in any election, if the persons, corporation, partnership or incorporated or unincorporated association raises or expends $1,000.00 or more to so aid or promote the nomination, election or defeat of a candidate or candidates or the passage or defeat of a public question; provided that for the purposes of this act, the term "political committee" shall not include a "continuing political committee," as defined by subsection n. of this section, a "political party committee," as defined by subsection p. of this section, a "candidate committee," as defined by subsection q. of this section, a "joint candidates committee," as defined by subsection r. of this section or a "legislative leadership committee," as defined by subsection s. of this section.

j. The term "public solicitation" means any activity by or on behalf of any candidate, political committee, continuing political committee, candidate committee, joint candidates committee, legislative leadership committee or political party committee whereby either (1) members of the general public are personally solicited for cash contributions not exceeding $20.00 from each person so solicited and contributed on the spot by the person so solicited to a person soliciting or through a receptacle provided for the purpose of depositing contributions, or (2) members of the general public are personally solicited for the purchase of items having some tangible value as merchandise, at a price not exceeding $20.00 per item, which price is paid on the spot in cash by the person so solicited to the person so soliciting, when the net proceeds of such solicitation are to be used by or on behalf of such candidate, political committee, continuing political committee, candidate committee, joint candidates committee, legislative leadership committee or political party committee.

k. The term "testimonial affair" means an affair of any kind or nature including, without limitation, cocktail parties, breakfasts, luncheons, dinners, dances, picnics or similar affairs directly or indirectly intended to raise campaign funds in behalf of a person who holds, or who is or was a candidate for nomination or election to a public office in this State, or directly or indirectly intended to raise funds in behalf of any political party committee or in behalf of a political committee, continuing political committee, candidate committee, joint candidates committee or legislative leadership committee.

l. The term "other thing of value" means any item of real or personal property, tangible or intangible, but shall not be deemed to include personal services other than paid personal services.

m. The term "qualified candidate" means:

(1) Any candidate for election to the office of Governor whose name appears on the general election ballot; who has deposited and expended $150,000.00 pursuant to section 7 of P.L.1974, c.26 (C.19:44A-32); and who, not later than September 1 preceding a general election in which the office of Governor is to be filled, (a) notifies the Election Law Enforcement Commission in writing that the candidate intends that application will be made on the candidate's behalf for monies for general election campaign expenses under subsection b. of section 8 of P.L.1974, c.26 (C.19:44A-33), and (b) signs a statement of agreement, in a form to be prescribed by the commission, to participate in two interactive gubernatorial election debates under the provisions of sections 9 through 11 of P.L.1989, c.4 (C.19:44A-45 through C.19:44A-47); or

(2) Any candidate for election to the office of Governor whose name does not appear on the general election ballot; who has deposited and expended $150,000.00 pursuant to section 7 of P.L.1974, c.26 (C.19:44A-32); and who, not later than September 1 preceding a general election in which the office of Governor is to be filled, (a) notifies the Election Law Enforcement Commission in writing that the candidate intends that application will be made on the candidate's behalf for monies for general election campaign expenses under subsection b. of section 8 of P.L.1974, c.26 (C.19:44A-33), and (b) signs a statement of agreement, in a form to be prescribed by the commission, to participate in two interactive gubernatorial election debates under the provisions of sections 9 through 11 of P.L.1989, c.4 (C.19:44A-45 through C.19:44A-47); or

(3) Any candidate for nomination for election to the office of Governor whose name appears on the primary election ballot; who has deposited and expended $150,000.00 pursuant to section 7 of P.L.1974, c.26 (C.19:44A-32); and who, not later than the last day for filing petitions to nominate candidates to be voted upon in a primary election for a general election in which the office of Governor is to be filled, (a) notifies the Election Law Enforcement Commission in writing that the candidate intends that application will be made on the candidate's behalf for monies for primary election campaign expenses under subsection a. of section 8 of P.L.1974, c.26 (C.19:44A-33), and (b) signs a statement of agreement, in a form to be prescribed by the commission, to participate in two interactive gubernatorial primary debates under the provisions of sections 9 through 11 of P.L.1989, c.4 (C.19:44A-45 through C.19:44A-47); or

(4) Any candidate for nomination for election to the office of Governor whose name does not appear on the primary election ballot; who has deposited and expended $150,000.00 pursuant to section 7 of P.L.1974, c.26 (C.19:44A-32); and who, not later than the last day for filing petitions to nominate candidates to be voted upon in a primary election for a general election in which the office of Governor is to be filled, (a) notifies the Election Law Enforcement Commission in writing that the candidate intends that application will be made on the candidate's behalf for monies for primary election campaign expenses under subsection a. of section 8 of P.L.1974, c.26 (C.19:44A-33), and (b) signs a statement of agreement, in a form to be prescribed by the commission, to participate in two interactive gubernatorial primary

debates under the provisions of sections 9 through 11 of P.L.1989, c.4 (C.19:44A-45 through C.19:44A-47).

n. The term "continuing political committee" means any group of two or more persons acting jointly, or any corporation, partnership, or any other incorporated or unincorporated association, including a political club, political action committee, civic association or other organization, which in any calendar year contributes or expects to contribute at least $2,500.00 to the aid or promotion of the candidacy of an individual, or of the candidacies of individuals, for elective public office, or the passage or defeat of a public question or public questions, and which may be expected to make contributions toward such aid or promotion or passage or defeat during a subsequent election, provided that the group, corporation, partnership, association or other organization has been determined to be a continuing political committee under subsection b. of section 8 of P.L.1973, c.83 (C.19:44A-8); provided that for the purposes of this act, the term "continuing political committee" shall not include a "political party committee," as defined by subsection p. of this section, or a "legislative leadership committee," as defined by subsection s. of this section.

o. The term "statement of agreement" means a written declaration, by a candidate for nomination for election or for election to the office of Governor who intends that application will be made on that candidate's behalf to receive monies for primary election or general election campaign expenses under subsection a. or subsection b., respectively, of section 8 of P.L.1974, c.26 (C.19:44A-33), that the candidate undertakes to abide by the terms of any rules established by any private organization sponsoring a gubernatorial primary or general election debate, as appropriate, to be held under the provisions of sections 9 through 11 of P.L.1989, c.4 (C.19:44A-45 through C.19:44A-47) and in which the candidate is to participate. The statement of agreement shall include an acknowledgment of notice to the candidate who signs it that failure on that candidate's part to participate in any of the gubernatorial debates may be cause for the termination of the payment of such monies on the candidate's behalf and for the imposition of liability for the return to the commission of such monies as may previously have been so paid.

p. The term "political party committee" means the State committee of a political party, as organized pursuant to R.S.19:5-4, any county committee of a political party, as organized pursuant to R.S.19:5-3, or any municipal committee of a political party, as organized pursuant to R.S.19:5-2.

q. The term "candidate committee" means a committee established pursuant to subsection a. of section 9 of P.L.1973, c.83 (C.19:44A-9) for the purpose of receiving contributions and making expenditures.

r. The term "joint candidates committee" means a committee established pursuant to subsection a. of section 9 of P.L.1973, c.83 (C.19:44A-9) by at least two candidates for the same elective public offices in the same election in a legislative district, county, municipality or school district, but not more candidates than the total number of the same elective public offices to be filled in that election, for the purpose of receiving contributions and making expenditures. For the purpose of this subsection, the offices of member of the Senate and members of the General Assembly shall be deemed to be the same elective public offices in a legislative district.

s. The term "legislative leadership committee" means a committee established, authorized to be established, or designated by the President of the Senate, the Minority Leader of the Senate, the Speaker of the General Assembly or the Minority Leader of the General Assembly pursuant to section 16 of P.L.1993, c.65 (C.19:44A-10.1) for the purpose of receiving contributions and making expenditures.

3. Section 8 of P.L.1973, c.83 (C.19:44A-8) is amended to read as follows:

C.19:44A-8 Contributions, expenditures, reports; requirements.

8. a. (1) Each political committee shall make a full cumulative report, upon a form prescribed by the Election Law Enforcement Commission, of all contributions in the form of moneys, loans, paid personal services, or other things of value made to it and all expenditures made, incurred, or authorized by it in furtherance of the nomination, election or defeat of any candidate, or in aid of the passage or defeat of any public question, or to provide political information on any candidate or public question, during the period ending 48 hours preceding the date of the report and beginning on the date on which the first of those contributions was received or the first of those expenditures was made, whichever occurred first. The cumulative report, except as hereinafter provided, shall contain the name and mailing address of each person or group from whom moneys, loans, paid personal services or other things of value have been contributed since 48 hours preceding the date on which the previous such report was made and

the amount contributed by each person or group, and where the contributor is an individual, the report shall indicate the occupation of the individual and the name and mailing address of the individual's employer. In the case of any loan reported pursuant to this subsection, the report shall contain the name and mailing address of each person who has cosigned such loan since 48 hours preceding the date on which the previous such report was made, and where an individual has cosigned such loans, the report shall indicate the occupation of the individual and the name and mailing address of the individual's employer. The cumulative report shall also contain the name and address of each person, firm or organization to whom expenditures have been paid since 48 hours preceding the date on which the previous such report was made and the amount and purpose of each such expenditure. The cumulative report shall be filed with the Election Law Enforcement Commission on the dates designated in section 16 hereof.

The campaign treasurer of the political committee reporting shall certify to the correctness of each report.

Each campaign treasurer of a political committee shall file written notice with the commission of a contribution in excess of $500 received during the period between the 13th day prior to the election and the date of the election, and of an expenditure of money or other thing of value in excess of $500 made, incurred or authorized by the political committee to support or defeat a candidate in an election, or to aid the passage or defeat of any public question, during the period between the 13th day prior to the election and the date of the election. The notice of a contribution shall be filed in writing or by telegram within 48 hours of the receipt of the contribution and shall set forth the amount and date of the contribution, the name and mailing address of the contributor, and where the contributor is an individual, the individual's occupation and the name and mailing address of the individual's employer. The notice of an expenditure shall be filed in writing or by telegram within 48 hours of the making, incurring or authorization of the expenditure and shall set forth the name and mailing address of the person, firm or organization to whom or which the expenditure was paid and the amount and purpose of the expenditure.

(2) When a political committee or an individual seeking party office makes or authorizes an expenditure on behalf of a candidate, it shall provide immediate written notification to the candidate of the expenditure.

b. (1) A group of two or more persons acting jointly, or any corporation, partnership, or any other incorporated or unincorporated association including a political club, political action committee, civic association or other organization, which in any calendar year contributes or expects to contribute at least $2,500.00 to the aid or promotion of the candidacy of an individual, or of the candidacies of individuals, for elective public office or the passage or defeat of a public question or public questions and which expects to make contributions toward such aid or promotion, or toward such passage or defeat, during a subsequent election shall certify that fact to the commission, and the commission, upon receiving that certification and on the basis of any information as it may require of the group, corporation, partnership, association or other organization, shall determine whether the group, corporation, partnership, association or other organization is a continuing political committee for the purposes of this act. If the commission determines that the group, corporation, partnership, association or other organization is a continuing political committee, it shall so notify that continuing political committee.

No person serving as the chairman of a political party committee or a legislative leadership committee shall be eligible to be appointed or to serve as the chairman of a continuing political committee.

(2) A continuing political committee shall file with the Election Law Enforcement Commission, not later than April 15, July 15, October 15 and January 15 of each calendar year, a cumulative quarterly report of all moneys, loans, paid personal services or other things of value contributed to it during the period ending on the 15th day preceding that date and commencing on January 1 of that calendar year or, in the case of the cumulative quarterly report to be filed not later than January 15, of the previous calendar year, and all expenditures made, incurred, or authorized by it during the period, whether or not such expenditures were made, incurred or authorized in furtherance of the election or defeat of any candidate, or in aid of the passage or defeat of any public question or to provide information on any candidate or public question.

The cumulative quarterly report shall contain the name and mailing address of each person or group from whom moneys, loans, paid personal services or other things of value have been contributed and the amount contributed by each person or group, and where an individual has made such contributions, the report shall indicate the occupation of the individual and the name and mailing address of the individual's employer. In the case of any loan reported pursuant to this subsection, the report shall contain the name and address of each person who cosigns such loan, and where an individual has cosigned such loans, the report shall indicate the occupation of the individual and the name and mailing address of the individual's employer. The report shall also contain the name and address of each person, firm or organization to whom expenditures have been paid and the amount and purpose of each such expenditure. The treasurer of the continuing political committee reporting shall certify to the correctness of each cumulative quarterly report.

Each continuing political committee shall provide immediate written notification to each candidate of all expenditures made or authorized on behalf of the candidate.

If any continuing political committee submitting cumulative quarterly reports as provided under this subsection receives a contribution from a single source of more than $500 after the final day of a quarterly reporting period and on or before a primary, general, municipal, school or special election which occurs after that final day but prior to the final day of the next reporting period it shall, in writing or by telegram, report that contribution to the commission within 48 hours of the receipt thereof, including in that report the amount and date of the contribution; the name and mailing address of the contributor; and where the contributor is an individual, the individual's occupation and the name and mailing address of the individual's employer. If any continuing political committee makes or authorizes an expenditure of money or other thing of value in excess of $500, or incurs any obligation therefor, to support or defeat a candidate in an election, or to aid the passage or defeat of any public question, after March 31 and on or before the day of the primary election, or after September 30 and on or before the day of the general election, it shall, in writing or by telegram, report that expenditure to the commission within 48 hours of the making, authorizing or incurring thereof.

A continuing political committee which ceases making contributions toward the aiding or promoting of the candidacy of an individual, or of the candidacies of individuals, for elective public office in this State or the passage or defeat of a public question or public questions in this State shall certify that fact in writing to the commission, and that certification shall be accompanied by a final accounting of any fund relating to such aiding or promoting including the final disposition of any balance in such fund at the time of dissolution. Until that certification has been filed, the committee shall continue to file the quarterly reports as provided under this subsection.

c. Each political party committee and each legislative leadership committee shall file with the Election Law Enforcement Commission, not later than April 15, July 15, October 15 and January 15 of each calendar year, a cumulative quarterly report of all moneys, loans, paid personal services or other things of value contributed to it during the period ending on the 15th day preceding that date and commencing on January 1 of that calendar year or, in the case of the cumulative quarterly report to be filed not later than January 15, of the previous calendar year, and all expenditures made, incurred, or authorized by it during the period, whether or not such expenditures were made, incurred or authorized in furtherance of the election or defeat of any candidate, or in aid of the passage or defeat of any public question or to provide information on any candidate or public question.

The cumulative quarterly report shall contain the name and mailing address of each person or group from whom moneys, loans, paid personal services or other things of value have been contributed and the amount contributed by each person or group, and where an individual has made such contributions, the report shall indicate the occupation of the individual and the name and mailing address of the individual's employer. In the case of any loan reported pursuant to this subsection, the report shall contain the name and address of each person who cosigns such loan, and where an individual has cosigned such loans, the report shall indicate the occupation of the individual and the name and mailing address of the individual's employer. The report shall also contain the name and address of each person, firm or organization to whom expenditures have been paid and the amount and purpose of each such expenditure. The treasurer of the political party committee or legislative leadership committee reporting shall certify to the correctness of each cumulative quarterly report.

If a political party committee or a legislative leadership committee submitting cumulative quarterly reports as provided under this subsection receives a contribution from a single source of more than $500 after the final day of a quarterly reporting period and on or before a primary, general, municipal, school or special election which occurs after that final day but prior to the final day of the next reporting period it shall, in writing or by telegram, report that contribution to the commission within 48 hours of the receipt thereof, including in that report the amount and date of the contribution; the name and mailing address of the contributor; and where the contributor is an individual, the individual's occupation and the name and mailing address of the individual's employer.

d. In any report filed pursuant to the provisions of this section the organization or committee reporting may exclude from the report the name of and other information relating to any contributor whose contributions during the period covered by the report did not exceed $200, provided, however, that (1) such exclusion is unlawful if any person responsible for the preparation or filing of the report knew that it was made with respect to any person whose contributions relating to the same election or issue and made to the reporting organization or committee aggregate, in combination with the contribution in respect of which such exclusion is made, more than $200 and (2) any person who knowingly prepares, assists in preparing, files or acquiesces in the filing of any report from which the identification of a contributor has been excluded contrary to the provisions of this section is subject to the provisions of section 21 of this act, but (3) nothing in this proviso shall be construed as requiring any committee or organization reporting pursuant to this act to report the amounts, dates or other circumstantial data regarding contributions made to any other organization or political committee, political party committee or campaign organization of a candidate.

Any report filed pursuant to the provisions of this section shall include an itemized accounting of all receipts and expenditures relative to any testimonial affairs held since the date of the most recent report filed, which accounting shall include the name and mailing address of each contributor in excess of $200 to such testimonial affair and the amount contributed by each; in the case of an individual contributor, the occupation of the individual and the name and mailing address of the individual's employer; the expenses incurred; and the disposition of the proceeds of such testimonial affair.

e. A political committee shall be exempt from any requirement to file reports pursuant to this section of contributions received or expenditures made in behalf of two or more joint candidates in any election if the committee files with the Election Law Enforcement Commission a sworn statement to the effect that the total amount to be expended on behalf of their candidacies shall not exceed $4,000.00; provided, that if a committee which has filed such a sworn statement receives contributions from any one source aggregating more than $200.00, it shall forthwith report that fact, including the name and mailing address of the source; where the source is an individual, the occupation of the individual and the name and mailing address of the individual's employer; and the aggregate total of contributions from the source to the commission. Any sworn statement under this subsection may be filed with the notice of designation by a political committee of a campaign treasurer and campaign depository under section 10 of P.L.1973, c.83 (C.19:44A-10), if that committee knows or has reason to believe, at the time when the notice of designation is given, that the total amount to be so expended shall not exceed $4,000.00.

4. Section 9 of P.L.1973, c.83 (C.19:44A-9) is amended to read as follows:

C.19:44A-9 Candidate, joint candidates committees; reports; requirements.

9. a. Unless already established, each candidate, as defined in paragraph (1) of subsection c. of section 3 of P.L.1973, c.83 (C.19:44A-3), shall, no later than the date on which that candidate first receives any contribution or makes or incurs any expenditures in connection with an election, establish (1) a candidate committee, (2) a joint candidates committee, or (3) both, for the purpose of receiving contributions and making expenditures. No person serving as the chairman of a political party committee or a legislative leadership committee shall be eligible to be appointed or to serve as the chairman of a candidate committee or joint candidates committee, other than a candidate committee or joint candidates committee established to further the nomination for election or the election of that person as a candidate for public office. Subsequent to an election, a candidate, whether or not successful in that election, shall maintain a candidate committee or a joint candidates committee so long as contributions are received or expenditures made by that former candidate. An elected officeholder who receives contributions and who has not maintained a candidate committee or a joint candidates committee shall establish a candidate committee, a joint candidates committee, or both, in a timely manner for the purpose of receiving contributions and making expenditures.

b. The candidate or candidates, as the case may be, shall file with the Election Law Enforcement Commission a certificate of organization on a form prescribed by the commission. The certificate shall provide for the initial appointment by the candidate, or candidates, of a campaign treasurer and for the designation by the candidate, or candidates, of that treasurer of the candidate committee, or joint candidates committee, as the campaign treasurer of the candidate, or candidates, for the purposes of subsection a. of section 8 of P.L.1973, c.83 (C.19:44A-8) and shall generally identify and be signed by the candidate, or candidates, and the chairman and the treasurer of the candidate committee or joint candidates committee, as the case may be. No person serving as the chairman of a political party committee or a legislative leadership committee shall be eligible to be appointed or to serve as the treasurer of a candidate committee or joint candidates committee, other than a candidate committee or joint candidates committee established to further the nomination for election or the election of that person as a candidate for public office. The certificate shall be filed prior to or simultaneously with the filing of a notification of the designation of a campaign depository as provided under subsection c. of this section. Upon the filing of such a certificate of organization and until the termination of the committee, the candidate committee or joint candidates committee shall file the reports which the campaign treasurer or treasurers of the candidate or candidates would otherwise be required to file under subsection a. of section 16 of P.L.1973, c.83 (C.19:44A-16).

c. Each candidate, or the candidates comprising a joint candidates committee, shall designate a campaign depository. Any bank authorized by law to transact business in the State may be designated as the campaign depository. Notification of the designation of the campaign depository shall be made by the candidate's, candidates' or committee's filing the name and address of such depository with the Election Law Enforcement Commission no later than the tenth day after receipt by the candidate or the committee of any contribution on behalf of the candidate or candidates or after the making or incurring by the candidate or candidates of any expenditure on behalf of that candidacy, whichever comes first.

d. Each candidate and campaign treasurer shall certify the correctness of each report filed by the candidate committee or joint candidates committee with the commission and that each report conforms with the limitations on contributions and expenditures provided for in sections 18, 19 and 20 of P.L.1993, c.65 (C.19:44A-11.3, C.19:44A-11.4 and C.19:44A-11.5).

e. A campaign treasurer of a candidate or candidates may appoint deputy campaign treasurers as required and may designate additional campaign depositories in each county in which the campaign is conducted. The candidate or candidates shall file the names and addresses of deputy campaign treasurers and additional campaign depositories with the Election Law Enforcement Commission.

f. A candidate or candidates may remove a campaign treasurer or deputy campaign treasurer. In the case of the death, resignation or removal of a campaign treasurer, the candidate or candidates shall appoint a successor as soon as practicable and shall file the name and address of that person with the Election Law Enforcement Commission within three days. A candidate may serve as his or her own campaign treasurer. One of the candidates in a joint candidates committee may serve as the campaign treasurer of the entire committee.

g. An individual who is a candidate for two or more public offices in an election or in separate elections shall establish separate candidate committees or separate joint candidates committees or both for each office contested.

h. (1) On and after the 366th day following the effective date of P.L.1993, c.65, no candidate shall establish, authorize the establishment of, maintain, or participate directly or indirectly in the management or control of, any political committee or any continuing political committee. Within one year after the enactment of this act, every candidate who maintains, or who participates either directly or indirectly in the management or control of, one or more political committees or one or more continuing political committees, or both, shall wind up or cause to be wound up the affairs of those committees in accordance with the provisions of section 8 of P.L.1973, c.83 (C.19:44A-8) and transfer all of the funds therein into a candidate committee or a joint candidates committee. All funds thus transferred shall be subject to the provisions of section 17 of P.L.1993, c.65 (C.19:44A-11.2).

(2) The person or persons having control over a legislative leadership committee shall not be required to wind up the affairs of that committee but shall be required to conform to the requirements of paragraph (1) of this subsection with regard to any other political committees or continuing political committees under the control of the person or persons and used by that person for the purpose of receiving contributions and making expenditures.

5. Section 10 of P.L.1973, c.83 (C.19:44A-10) is amended to read as follows:

C.19:44A-10 Treasurers, depositories; requirements.

10. Each political party committee shall, on or before July 1 in each year, designate a single organizational treasurer and an organizational depository and shall, not later than the tenth day after the designation of the organizational depository file the name and address of that depository, and of the organizational treasurer, with the Election Law Enforcement Commission.

Every political committee may designate a chairman of the committee, but no person serving as the chairman of a political party committee or a legislative leadership committee shall be eligible to be appointed or to serve as the chairman of a political committee. Every political committee shall, not later than the date on which it first receives any contribution or makes or incurs any expenditure in the furtherance or aid of the election or defeat of any candidate or the passage or defeat of any public question, appoint a single campaign treasurer and designate a campaign depository, but no person serving as the chairman of a political party committee or a legislative leadership committee shall be eligible to be appointed or to serve as the campaign treasurer of a political committee. Not later than the tenth day after the initial designation of the campaign depository, the committee shall file the name and address of the depository, and of the campaign treasurer, with the Election Law Enforcement Commission.

Every continuing political committee shall, not later than the date on which it first receives any contribution or makes or incurs any expenditure in the furtherance or aid of the election or defeat of any candidate or the passage or defeat of any public question, appoint a single organizational treasurer and designate an organizational depository, provided that no person who is the chairman of a political party committee or a legislative leadership committee shall be eligible to be appointed or to serve as the organizational treasurer of a continuing political committee. Not later than the tenth day after the initial designation of the organizational depository, the committee shall file the name and address of the depository, and of the organizational treasurer, with the Election Law Enforcement Commission.

Every legislative leadership committee shall, not later than the date on which it first receives any contribution or makes or incurs any expenditure in the furtherance or aid of the election or defeat of any candidate or the passage or defeat of any public question, appoint a single organizational treasurer and designate an organizational depository. Not later than the tenth day after the initial designation of the organizational depository, the committee shall file the name and address of the depository, and of the organizational treasurer, with the Election Law Enforcement Commission.

An organizational treasurer of a political party committee, a continuing political committee, or a legislative leadership committee and a campaign treasurer of a political committee may appoint deputy organizational or campaign treasurers as may be required and may designate additional organizational or campaign depositories. Such committees shall file the names and addresses of such deputy treasurers and additional depositories with the Election Law Enforcement Commission not later than the fifth day after their appointment or designation, respectively.

Any political party committee, any political committee, any continuing political committee and any legislative leadership committee may remove its organizational or campaign treasurer or deputy treasurer. In the case of the death, resignation or removal of its organizational or campaign treasurer, the committee shall appoint a successor as soon as practicable and shall file his name and address with the Election Law Enforcement Commission within three days.

6. Section 11 of P.L.1973, c.83 (C.19:44A-11) is amended to read as follows:

C.19:44A-11 Procedures for contributions, expenditures; requirements.

11. No contribution of money or other thing of value, nor obligation therefor, including but not limited to contributions, loans or obligations of a candidate himself or of his family, shall be made or received, and no expenditure of money or other thing of value, nor obligation therefor, including expenditures, loans or obligations of a candidate himself or of his family, shall be made or incurred, directly or indirectly, to support or defeat a candidate in any election, or to aid the passage or defeat of any public question, except through:

a. The duly appointed campaign treasurer or deputy campaign treasurers of the candidate committee or joint candidates committee;

b. The duly appointed organizational treasurer or deputy organizational treasurers of a political party committee or a continuing political committee;

c. The duly appointed campaign treasurer or deputy campaign treasurers of a political committee; or

d. The duly appointed organizational treasurer or deputy organizational treasurer of a legislative leadership committee.

It shall be lawful, however, for any person, not acting in concert with any other person or group, to expend personally from his own funds a sum which is not to be repaid to him for any purpose not prohibited by law, or to contribute his own personal services and personal traveling expenses, to support or defeat a candidate or to aid the passage or defeat of a public question; provided, however, that any person making such expenditure shall be required to report his or her name and mailing address and the amount of all such expenditures and expenses, except personal traveling expenses, if the total of the money so expended, exclusive of such traveling expenses, exceeds $200, and also, where the person is an individual, to report the individual's occupation and the name and mailing address of the individual's employer, to the Election Law Enforcement Commission at the same time and in the same manner as a political committee subject to the provisions of section 8 of this act.

No contribution of money shall be made in currency, except contributions in response to a public solicitation, provided that cumulative currency contributions of up to $200 may be made to a candidate committee or joint candidates committee, a political committee, a continuing political committee, a legislative leadership committee or a political party committee if the contributor submits with the currency contribution a written statement of a form as prescribed by the commission, indicating the contributor's name, mailing address and occupation and the amount of the contribution, including the contributor's signature and the name and mailing address of the contributor's employer.

Any anonymous contribution received by a campaign treasurer or deputy campaign treasurer shall not be used or expended, but shall be returned to the donor, if his identity is known, and if no donor is found, the contribution shall escheat to the State.

No person, partnership or association, either directly or through an agent, shall make any loan or advance, the proceeds of which that person, partnership or association knows or has reason to know or believe are intended to be used by the recipient thereof to make a contribution or expenditure, except by check or money order identifying the name, mailing address and occupation or business of the maker of the loan, and, if the maker is an individual, the name and mailing address of that individual's employer; provided, however, that such loans or advances to a single individual, up to a cumulative amount of $50 in any calendar year, may be made in currency.

7. Section 8 of P.L.1989, c.4 (C.19:44A-11.1) is amended to read as follows:

C.19:44A-11.1 Exemption for determining candidacy.

8. a. Funds or other benefits received and payments made solely for the purpose of determining whether an individual

should become a candidate are not contributions or expenditures. Activities contemplated under this exemption include, but are not limited to, conducting a poll, telephone calls and travel to determine whether an individual should become a candidate.

The individual shall keep records of all such funds received and payments made.

b. If the individual subsequently becomes a candidate, the funds received and payments made are contributions and expenditures subject to the limitations, prohibitions and requirements of P.L.1973, c.83 (C.19:44A-1 et al.). Such contributions and expenditures shall be reported with the first report filed by the candidate committee or joint candidates committee of the candidate, regardless of the date the funds were received or the payments made.

c. This exemption does not apply to funds received or payments made for general public political advertising; nor does this exemption apply to funds received or payments made for activities designed to amass campaign funds that would be spent after the individual becomes a candidate.

d. In no instance shall permissible activities conducted solely for the purpose of determining whether an individual will become a candidate be confined or limited on the basis of total funds received or payments made for such purpose.

The provisions of this section shall not apply to any candidate who has established and is maintaining a candidate committee or a joint candidates committee pursuant to section 9 of P.L.1973, c.83 (C.19:44A-9).

8. Section 12 of P.L.1973, c.83 (C.19:44A-12) is amended to read as follows:

C.19:44A-12 Records of contributions.

12. An organizational or campaign treasurer or deputy organizational or campaign treasurer of a candidate committee or joint candidates committee, a political committee, a continuing political committee, a political party committee or a legislative leadership committee shall make a written record of all funds which he receives as contributions to the candidate committee, joint candidates committee, political committee, continuing political committee, political party committee or legislative leadership committee, including in that record the name and mailing address of the contributor, the amount and date of the contribution, and where the contributor is an individual, the occupation of the individual and the name and mailing address of the individual's

employer. The organizational or campaign treasurer shall retain that record for a period of not less than four years. All funds so received shall be deposited by the campaign or organizational treasurer or deputy campaign or organizational treasurer in a campaign depository of the candidate committee or joint candidates committee, the continuing political committee, political committee, political party committee or legislative leadership committee, in an account designated "Election Fund of (name of candidate, candidates or committee)" no later than the tenth calendar day following receipt of such funds; except that any such treasurer or deputy treasurer may, when authorized by the candidate, candidates or committee of which he is the campaign or organizational treasurer or deputy campaign or organizational treasurer, transfer any such funds to the duly designated campaign or organizational treasurer or deputy campaign or organizational treasurer of another candidate or committee, for inclusion in the election fund thereof, without first so depositing them; provided, however, that the amount so transferred shall not be in excess of the amount that may be contributed by one candidate to another candidate in an election pursuant to section 18 of P.L.1993, c.65 (C.19:44A-11.3), but this proviso shall not be construed to prohibit a county or municipal committee of a political party from making a contribution or contributions, or from transferring funds as hereinabove authorized, to any candidate, candidate committee, joint candidates committee, political committee, continuing political committee, political party committee, or legislative leadership committee. A record of all nondeposited funds so transferred shall be attached to the statement required under this section, identifying them as to source and amount in the same manner as deposited funds.

9. Section 16 of P.L.1973, c.83 (C.19:44A-16) is amended to read as follows:

C.19:44A-16 Candidates' reports of contributions and expenditures.

16. a. The campaign treasurer of each candidate committee and joint candidates committee shall make a full cumulative report, upon a form prescribed by the Election Law Enforcement Commission, of all contributions in the form of moneys, loans, paid personal services or other things of value, made to him or to the deputy campaign treasurers of the candidate committee or joint candidates committee, and all expenditures paid out of the election fund of the candidate or candidates, during the period ending with the second day preceding the date of the cumulative report

and beginning on the date of the first of those contributions, the date of the first of those expenditures, or the date of the appointment of the campaign treasurer, whichever occurred first. The report shall also contain the name and mailing address of each person or group from whom moneys, loans, paid personal services or other things of value were contributed after the second day preceding the date of the previous cumulative report and the amount contributed by each person or group, and where an individual has made such contributions, the report shall indicate the occupation of the individual and the name and mailing address of the individual's employer. In the case of any loan reported pursuant to this section, the report shall further contain the name and mailing address of each person who cosigns such loan, the occupation of the person and the name and mailing address of the person's employer. If no moneys, loans, paid personal services or other things of value were contributed, the report shall so indicate, and if no expenditures were paid or incurred, the report shall likewise so indicate. The campaign treasurer and the candidate or several candidates shall certify the correctness of the report.

b. During the period between the appointment of the campaign treasurer and the election with respect to which contributions are accepted or expenditures made by him, the campaign treasurer shall file his cumulative campaign report (1) on the 29th day preceding the election, and (2) on the 11th day preceding the election; and after the election he shall file his report on the 20th day following such election. Concurrent with the report filed on the 20th day following an election, or at any time thereafter, the campaign treasurer of a candidate committee or joint candidates committee may certify to the Election Law Enforcement Commission that the election fund of such candidate committee or joint candidates committee has wound up its business and been dissolved, or that business regarding the late election has been wound up but the candidate committee or joint candidates committee will continue for the deposit and use of contributions in accordance with section 17 of P.L.1993, c.65 (C.19:44A-11.2). Certification shall be accompanied by a final accounting of such election fund, or of the transactions relating to such election, including the final disposition of any balance remaining in such fund at the time of dissolution or the arrangements which have been made for the discharge of any obligations remaining unpaid at the time of dissolution. Until the candidate committee or joint candidates committee is dissolved, each such treasurer shall continue to file reports in the form and manner herein prescribed.

The Election Law Enforcement Commission shall promulgate regulations providing for the termination of post-election campaign reporting requirements applicable to political committees, candidate committees and joint candidates committees. The requirements to file quarterly reports after the first post-election report may be waived by the commission, notwithstanding that the certification has not been filed, if the commission determines under any regulations so promulgated that the outstanding obligations of the political committee, candidate committee or joint candidates committee do not exceed 10% of the expenditures of the campaign fund with respect to the election or $1,000.00, whichever is less, or are likely to be discharged or forgiven.

A candidate committee or joint candidates committee shall file with the Election Law Enforcement Commission, not later than April 15, July 15, October 15 of each calendar year in which the candidate or candidates in control of the committee does or do not run for election or reelection and January 15 of each calendar year in which the candidate or candidates does or do run for election or reelection, a cumulative quarterly report of all moneys, loans, paid personal services or other things of value contributed to it or to the candidate or candidates during the period ending on the 15th day preceding that date and commencing on January 1 of that calendar year or, in the case of the cumulative quarterly report to be filed not later than January 15, of the previous calendar year, and all expenditures made, incurred, or authorized by it or the candidate or candidates during the period, whether or not such expenditures were made, incurred or authorized in furtherance of the election or defeat of any candidate, or in aid of the passage or defeat of any public question or to provide information on any candidate or public question. The commission may by regulation require any such candidate committee or joint candidates committee to file during any calendar year one or more additional cumulative reports of such contributions received and expenditures made as may be necessary to ensure that no more than five months shall elapse between the last day of a period covered by one such report and the last day of the period covered by the next such report.

The commission, on any form it shall prescribe for the reporting of expenditures by a candidate committee or joint candidates committee, shall provide for the grouping together of all expenditures under the category of "campaign expenses" under paragraph (1) of subsection a. of section 17 of P.L.1993, c.65, identified as such, and for the grouping together, separately, of all other expenditures under the categories prescribed by paragraphs (2) through (6) of that subsection. The cumulative quarterly report due on April 15 in a year immediately after the year in which the candidate or candidates does or do run for election or reelection shall contain a report of all of the contributions received and expenditures made by the candidate or candidates since the 18th day after that election.

The cumulative quarterly report shall contain the name and mailing address of each person or group from whom moneys, loans, paid personal services or other things of value have been contributed and the amount contributed by each person or group, and where an individual has made such contributions, the report shall indicate the occupation of the individual and the name and mailing address of the individual's employer. In the case of any loan reported pursuant to this section, the report shall contain the name and address of each person who cosigns such loan, and where an individual has cosigned such loans, the report shall indicate the occupation of the individual and the name and mailing address of his employer. The report shall also contain the name and address of each person, firm or organization to whom expenditures have been paid and the amount and purpose of each such expenditure. The treasurer of the candidate committee or joint candidates committee and the candidate or candidates shall certify to the correctness of each cumulative quarterly report.

c. In the case of an election of a candidate for an office elected by a municipal or countywide constituency or a school district a duplicate copy of the campaign treasurer's report, duly certified, shall be filed at the same time with the county clerk of the county in which the candidate resides and the county clerk shall retain a written record of that filing for a period of not less than four years following the date of the election.

d. There shall be no obligation to file the reports required by this section on behalf of a candidate if such candidate files with the Election Law Enforcement Commission a sworn statement to the effect that the total amount to be expended in behalf of his candidacy by the candidate committee, by any political party committee, by any political committee, or by any person shall not in the aggregate exceed $2,000.00 or $4,000 for any joint candidates committee containing two candidates or $6,000 for any joint candidates committee containing three or more candidates. The sworn statement may be submitted at the time when the name and address of the campaign treasurer and depository is filed with the Election Law Enforcement Commission, provided that in any case the sworn statement is filed no later than the 29th day before an election. If a candidate who has filed such a sworn statement receives contributions from any one source aggregating more than $200 he shall forthwith make report of the same, including the name and mailing address of the source and the aggregate total of contributions therefrom, and where the source is an individual, the occupation of the individual and the name and mailing address of the individual's employer, to the Election Law Enforcement Commission.

e. There shall be no obligation imposed upon a candidate seeking election to a public office of a school district to file either the reports required under subsection b. of this section or the sworn statement referred to in subsection d. of this section, if the total amount expended and to be expended in behalf of his candidacy by the candidate committee, any political committee, any continuing political committee, or a political party committee or by any person, does not in the aggregate exceed $2,000.00 per election or $4,000 for any joint candidates committee containing two candidates or $6,000 for any joint candidates committee containing three or more candidates; provided, that if such candidate receives contributions from any one source aggregating more than $200, he shall forthwith make a report of the same, including the name and mailing address of the source, the aggregate total of contributions therefrom, and where the source is an individual, the occupation of the individual and the name and mailing address of the individual's employer, to the commission.

f. In any report filed pursuant to the provisions of this section, the names and addresses of contributors whose contributions during the period covered by the report did not exceed $200 may be excluded; provided, however, that (1) such exclusion is unlawful if any person responsible for the preparation or filing of the report knew that such exclusion was made with respect to any person whose total contributions relating to the same election and made to the reporting candidate or to an allied campaign organization or organizations aggregate, in combination with the total contributions in respect of which such exclusion is made, more than $200, and (2) any person who knowingly prepares, assists in preparing, files or acquiesces in the filing of any report from which the identity of any contributor has been excluded contrary to the provisions of this section is subject to the provisions of section 21 of this act, but (3) nothing in this proviso shall be construed as requiring any candidate committee or joint candidates committee reporting pursuant to this act to report the amounts, dates or other circumstantial data regarding contributions made to any other candidate committee, joint candidates committee, political committee, continuing political committee, political party committee or legislative leadership committee.

g. Any report filed pursuant to the provisions of this section shall include an itemized accounting of all receipts and expenditures relative to any testimonial affair held since the date of the most recent report filed, which accounting shall include the name and mailing address of each contributor in excess of $200 to such testimonial affair and the amount contributed by each; in the case of any individual contributor, the occupation of the individual and the name and mailing address of the individual's employer; the expenses incurred; and the disposition of the proceeds of such testimonial affair.

h. (Deleted by amendment, P.L.1993, c.65.)

i. Each campaign treasurer of a candidate committee or joint candidates committee shall file written notice with the commission of a contribution in excess of $500 received during the period between the 13th day prior to the election and the date of the election. The notice shall be filed in writing or by telegram within 48 hours of the receipt of the contribution and shall set forth the amount and date of the contribution, the name and mailing address of the contributor, and where the contributor is an individual, the occupation of the individual and the name and mailing address of the individual's employer.

10. Section 19 of P.L.1973, c.83 (C.19:44A-19) is amended to read as follows:

C.19:44A-19 Public solicitations.

19. a. No person shall conduct any public solicitation as defined in this act except (1) upon written authorization of the campaign or organizational treasurer of the candidate committee or joint candidates committee, political committee, continuing political committee, political party committee or legislative leadership committee on whose behalf such solicitation is conducted, or (2) in accordance with the provisions of subsection c. of this section. A person with such written authorization may employ and accept the services of others as solicitors, and shall be responsible for reporting to the treasurer the information required under subsection b. of this section and for delivery to the trea-

surer the net proceeds of such solicitation in compliance with section 11 of this act. A contribution made through donation or purchase in response to a public solicitation conducted pursuant to written authorization of a treasurer shall be deemed to have been made through such treasurer.

b. Whenever a public solicitation has been authorized by a treasurer during a period covered by a report required to be filed under sections 8 and 16 of this act, there shall be filed with such report and as a part thereof an itemized report on any such solicitation of which the net proceeds exceed $200, in such form and detail as required by the rules of the Election Law Enforcement Commission, which report shall include:

(1) The name and mailing address of the person authorized to conduct such solicitation, the method of solicitation and, where the person is an individual, the occupation of the individual and the name and mailing address of the individual's employer;

(2) The gross receipts and expenses involved in the solicitation including the actual amount paid for any items purchased for resale in connection with the solicitation, or, if such items or any portion of the cost thereof was donated, the estimated actual value thereof and the actual amount paid therefor, and the names and addresses of any such donors. If it is not practicable for such itemized report to be completed in time to be included with the report due under sections 8 and 16 of this act for the period during which such solicitation was held, then such itemized report may be omitted from said report and if so omitted shall be included in the report for the next succeeding period.

c. Notwithstanding the provisions of subsection b. of this section, it shall be lawful for any natural person, not acting in concert with any other person or group, to make personally a public solicitation the entire proceeds of which, without deduction for the expenses of solicitation, are to be expended by him personally or under his personal direction to finance any lawful activity in support of or opposition to any candidate or public question or to provide political information on any candidate or public question or to seek to influence the content, introduction, passage or defeat of legislation; provided, however, that any individual making such solicitation who receives gross contributions exceeding $200 in respect to activities relating to any one election shall be required to make a report stating (1) the amount so collected, (2) the method of solicitation, (3) the purpose or purposes for which the funds so collected were expended and the amount expended for each such purpose and (4) the individual's name and mailing address, the individual's occupation and the name and mailing address of the individual's employer.

Such report shall be made to the Election Law Enforcement Commission at the same time and in the same manner as a political committee, continuing political committee, political party committee or a legislative leadership committee subject to the provisions of section 8 of this act.

d. Contributions or purchases made in response to a public solicitation conducted in conformity with the requirements and conditions of this act shall not be deemed anonymous within the meaning of sections 11 and 20 of this act.

e. No person contributing in good faith to a public solicitation not duly authorized in compliance with the provisions of this act shall be liable to any penalty under this act by reason of having made such contribution.

11. Section 20 of P.L.1973, c.83 (C.19:44A-20) is amended to read as follows:

C.19:44A-20 Prohibited contributions, expenditures.

20. No contribution of money or other thing of value, nor obligation therefor, shall be made, and no expenditure of money or other thing of value, nor obligation therefor, shall be made or incurred whether anonymously, in a fictitious name, or by one person or group in the name of another, to support or defeat a candidate in an election or to aid the passage or defeat of any public question or to provide political information on any candidate or public question or to seek to influence the content, introduction, passage or defeat of legislation.

No individual, either alone or jointly with one or more other individuals, and no corporation, partnership, membership organization or other incorporated or unincorporated association shall loan or advance to any individual, group of individuals, corporation, partnership, membership organization or other incorporated or unincorporated association any money or other thing of value expressly for the purpose of inducing the recipient thereof, or any other individual, group, corporation, partnership, organization or association, to make a contribution, either directly or indirectly, of money or other thing of value to a candidate or the candidate committee or joint candidates committee of a candidate.

No person shall contribute, or purport to contribute, to any candidate, candidate committee or joint candidates committee, political committee, continuing political committee, political party committee or legislative leadership committee funds or property which does not actually belong to him and is not in his full custody and control; which has been given or furnished to him by any other person or group for the purpose of making a contribution thereof, except in the case of group contributions by persons who are members of the contributing group; or which has been loaned or advanced expressly for the purpose of inducing the making of a contribution to a candidate, candidate committee or joint candidates committee.

No treasurer, candidate or member of a candidate committee, joint candidates committee, political committee, continuing political committee, political party committee or legislative leadership committee shall solicit or knowingly accept, agree to accept or concur in or abet the solicitation or acceptance of any contribution contrary to the provisions of this section.

12. Section 21 of P.L.1973, c.83 (C.19:44A-21) is amended to read as follows:

C.19:44A-21 Criminal penalties; forfeiture of office.

21. a. Any person who purposely and with intent to conceal or misrepresent contributions given or received or expenditures made or incurred to aid or promote the nomination, election or defeat of any candidate for public office or party position, or to aid or promote the passage or defeat of a public question in any election, or to aid the dissemination of political information in connection with any election makes or accepts any contribution or makes or incurs any expenditure in violation of section 7, 11 or 20 of this act is guilty of a crime of the fourth degree.

b. Any person who purposely files or prepares or assists in the preparation for filing or purposely acquiesces in the preparation or filing of any report required under this act which the person knows is false, inaccurate or incomplete in any material particular; or who purposely fails or refuses to file any such report when required to do so pursuant to the provisions of this act; or who purposely supplies any information which he knows to be false, inaccurate or incomplete to any person preparing or assisting in the preparation of any such report, with the knowledge that such information is intended for the purposes of such report, is guilty of a crime of the fourth degree.

c. The nomination for or election to any office of any candidate who is guilty of any violation within the description of subsection a. or b. of this section shall be void, and the office shall be filled as required by law in the case of a vacancy; provided, however, that nothing herein contained shall be construed in derogation of the constitutional authority of either House of the Legislature to be the judge of the election and qualification of its own members.

d. Any individual, partnership, membership organization or other association who or which, directly or through an agent, purposely makes a loan or advance of money or other thing of value in violation of section 11 or section 20 of P.L. 1973, c. 83 (C.19:44A-11 or C.19:44A-20) is guilty of a crime of the fourth degree.

e. Any individual, partnership, membership organization or other association who or which purposely makes a contribution as a result of having been induced to do so through the receipt, promise or offer of a loan or advance of money or other thing of value, the making of which loan or advance would constitute a violation of section 11 or section 20 of P.L.1973, c.83 (C.19:44A-11 or C.19:44A-20), is guilty of a crime of the fourth degree.

13. Section 22 of P.L.1973, c.83 (C.19:44A-22) is amended to read as follows:

C.19:44A-22 Violations; civil penalties; forfeiture.

22. a. (1) Except as provided in subsection e. or f., any person, including any candidate, treasurer, candidate committee or joint candidates committee, political committee, continuing political committee, political party committee or legislative leadership committee, charged with the responsibility under the terms of this act for the preparation, certification, filing or retention of any reports, records, notices or other documents, who fails, neglects or omits to prepare, certify, file or retain any such report, record, notice or document at the time or during the time period, as the case may be, and in the manner prescribed by law, or who omits or incorrectly states or certifies any of the information required by law to be included in such report, record, notice or document, any person who proposes to undertake or undertakes a public solicitation, testimonial affair or other activity relating to contributions or expenditures in any way regulated by the provisions of this act who fails to comply with those regulatory provisions, and any other person who in any way violates any of the provisions of this act shall, in addition to any other penalty provided by law, be liable to a pen-

alty of not more than $3,000.00 for the first offense and not more than $6,000.00 for the second and each subsequent offense.

(2) No person shall willfully and intentionally agree with another person to make a contribution to a candidate, candidate committee, joint candidates committee, political committee, continuing political committee, political party committee, or legislative leadership committee with the intent, or upon the condition, understanding or belief, that the recipient candidate or committee shall make or have made a contribution to another such candidate or committee, but this paragraph shall not be construed to prohibit a county or municipal committee of a political party from making a contribution or contributions to any candidate, candidate committee, joint candidates committee, political committee, continuing political committee, political party committee, or legislative leadership committee. A finding of a violation of this paragraph shall be made only upon clear and convincing evidence. A person who violates the provisions of this paragraph shall be liable to a penalty equal to three times the amount of the contribution which that person agreed to make to the recipient candidate or committee.

b. Upon receiving evidence of any violation of this section, the Election Law Enforcement Commission shall have power to hold, or to cause to be held under the provisions of subsection d. of this section, hearings upon such violation and, upon finding any person to have committed such a violation, to assess such penalty, within the limits prescribed in subsection a. of this section, as it deems proper under the circumstances, which penalty shall be paid forthwith into the State Treasury for the general purposes of the State.

c. In assessing any penalty under this section, the Election Law Enforcement Commission may provide for the remission of all or any part of such penalty conditioned upon the prompt correction of any failure, neglect, error or omission constituting the violation for which said penalty was assessed.

d. The commission may designate a hearing officer to hear complaints of violations of this act. Such hearing officer shall take testimony, compile a record and make factual findings, and shall submit the same to the commission, which shall have power to assess penalties within the limits and under the conditions prescribed in subsections b. and c. of this section. The commission shall review the record and findings of the hearing officer, but it may also seek such additional testimony as it deems necessary.

The commission's determination shall be by majority vote of the entire authorized membership thereof.

e. Any person who willfully and intentionally makes or accepts any contribution in violation of section 4 of P.L.1974, c.26 (C.19:44A-29) or section 18, 19 or 20 of P.L.1993, c.65 (C.19:44A-11.3, C.19:44A-11.4 or C.19:44A-11.5), shall be liable to a penalty of:

(1) Not more than $5,000.00 if the cumulative total amount of those contributions is less than or equal to $5,000.00;

(2) Not more than $75,000.00 if the cumulative total amount of those contributions was more than $5,000.00 but less than $75,000; and

(3) Not more than $100,000.00 if the cumulative total amount of those contributions is equal to or more than $75,000.00.

f. In addition to any penalty imposed pursuant to subsection e. of this section, a person holding any elective public office shall forfeit that public office if the Election Law Enforcement Commission determines that the cumulative total amount of the illegal contributions was more than $50,000.00 and that the violation had a significant impact on the outcome of the election.

g. Any penalty prescribed in this section shall be enforced in a summary proceeding under "the penalty enforcement law," N.J.S.2A:58-1 et seq.

14. Section 4 of P.L.1974, c.26 (C.19:44A-29) is amended to read as follows:

C.19:44A-29 Contribution limits, gubernatorial elections.

4. a. Except in the case of a candidate, as provided in subsection g. of this section, no person, candidate committee or joint candidates committee, political committee, continuing political committee or legislative leadership committee, otherwise eligible to make contributions, shall make any contribution or contributions to a candidate, his campaign treasurer or deputy campaign treasurer, candidate committee, a political party committee, or to any other person or committee, in aid of the candidacy of or in behalf of a candidate for nomination for election or for election to the office of Governor in any primary or general election in the aggregate in excess of $1,500.00, or in the case of a joint candidates committee when that is the only committee established by the candidates, in excess of $1,500.00 per candidate in the joint candidates committee, or in the case of a candidate committee and a joint candidates committee when both are established by a candidate, $1,500.00 from that candidate. No candidate for

nomination for election or for election to the office of Governor in any primary or general election and no campaign treasurer deputy campaign or treasurer of such candidate shall knowingly accept from any person, candidate, candidate committee, joint candidates committee, political committee, continuing political committee or legislative leadership committee any contribution or contributions in aid of the candidacy of or in behalf of such candidate in the aggregate in excess of $1,500.00, or in the case of a joint candidates committee when that is the only committee established by the candidates, in excess of $1,500.00 per candidate in the joint candidates committee, or in the case of a candidate committee and a joint candidates committee when both are established by a candidate, $1,500.00 from that candidate, in any primary or general election. No provision of this act shall be construed to prohibit a contribution or contributions in the aggregate in aid of the candidacy of or in behalf of any candidate for nomination for election to the office of Governor in a primary election not in excess of $1,500.00, or in the case of a contribution or contributions by a joint candidates committee when that is the only committee established by the candidates, in excess of $1,500.00 per candidate in the joint candidates committee, or in the case of a candidate committee and a joint candidates committee when both are established by a candidate, $1,500.00 from that candidate, and another contribution or contributions in the aggregate in the aid of the candidacy of or in behalf of any candidate for election to the office of Governor in a general election not in excess of $1,500.00, or in the case of a contribution or contributions by a joint candidates committee when that is the only committee established by the candidates, in excess of $1,500.00 per candidate in the joint candidates committee, or in the case of a candidate committee and a joint candidates committee when both are established by a candidate, $1,500.00 from that candidate. For the purpose of determining the amount of a contribution to be attributed as given by each candidate in a joint candidates committee, the amount of the contribution by such a committee shall be divided equally among all the candidates in the committee.

b. (Deleted by amendment, P.L.1980, c.74.)

c. The spouse of any contributor may make a contribution or contributions in the aggregate in aid of the candidacy of or in behalf of a candidate for nomination for election or for election to the office of Governor of up to $1,500.00.

d. No State committee of any political party shall knowingly accept from any person, candidate committee, joint candidates committee, political committee, continuing political committee or legislative leadership committee, any contribution or contributions in the aggregate in aid of the candidacy of or in behalf of a candidate for election to the office of Governor in a general election in excess of $1,500.00, or in the case of a contribution or contributions by a joint candidates committee when that is the only committee established by the candidates, in excess of $1,500.00 per candidate in the joint candidates committee, or in the case of a candidate committee and a joint candidates committee when both are established by a candidate, $1,500.00 from that candidate. A State committee may allocate a contribution of up to $1,500.00, and up to $1,500.00 of a contribution in excess of $1,500.00 in aid of the candidacy of or in behalf of such candidate, except that in the case of a contribution from a joint candidates committee when that is the only committee established by the candidates, the amounts which may be so allocated shall be $1,500.00 per candidate in the joint candidates committee, and in the case of a candidate committee and a joint candidates committee when both are established by a candidate, the amount which may be so allocated shall be $1,500.00 from that candidate. For the purpose of determining the amount of a contribution to be attributed as given by each candidate in a joint candidates committee, the amount of the contribution by such a committee shall be divided equally among all the candidates in the committee. A State committee shall create an account in a national or State bank in behalf of any candidate the committee intends to or does assist for election to the office of Governor in a general election, shall deposit in such account and report to the Election Law Enforcement Commission the name of the contributor of all moneys accepted or allocated in aid of the candidacy of or in behalf of such candidate, and may make a contribution or contributions from such account in any amount in aid of the candidacy of or in behalf of such candidate. No State committee may make any contribution or contributions in aid of the candidacy of or in behalf of such candidate of moneys not deposited in a bank account pursuant to this subsection, and no State committee may make a contribution or contributions in aid of the candidacy of or in behalf of such candidate of moneys or other thing of value pledged or received in a calendar year in which no gubernatorial election was held.

e. The county committee of a political party in a county and the municipal committees of that political party in the same county may make an expenditure or expenditures in the aggregate of $10,000.00 in aid of the candidacy of or in behalf of any candidate for election to the office of Governor in a general election. No county committee or municipal committee may transfer or contribute any funds to any such candidate or to such candidate's campaign treasurer or deputy campaign treasurer, or to any political committee supporting such candidate. A candidate or his campaign treasurer or deputy campaign treasurer shall determine the exact amount that individual county committees or municipal committees may contribute in aid of the candidacy of or in behalf of such candidate, and shall file a report of such determination with the Election Law Enforcement Commission no later than the seventh day prior to the general election being funded.

f. Communications on any subject by a corporation to its stockholders and their families, or by a labor organization to its members and their families, and nonpartisan registration and get-out-the-vote campaigns by a corporation aimed at its stockholders and their families, or by a labor organization aimed at its members and their families, shall not be construed to be in aid of the candidacy of or in behalf of a candidate for election to the office of Governor in any primary or general election.

g. No candidate receiving public funds may make expenditures from his own funds, including any contributions from his own funds, in aid of his candidacy for nomination or election to the office of Governor in excess of $25,000.00 for the primary election and $25,000.00 for the general election.

As used in this subsection "own funds" means funds to which the candidate is legally and beneficially entitled, but shall not include funds as to which he is a trustee, or funds given or otherwise transferred to the candidate by any person other than the spouse of the candidate for use in aid of his candidacy.

C.19:44A-20.1 Corporation, labor organization contributions through employees, prohibited; penalties.

15. a. No corporation or labor organization of any kind shall provide to any of its officers, directors, attorneys, agents or other employees any additional increment of salary, bonus or monetary remuneration of any kind which, in whole or in part, is intended by that corporation or labor organization to be used for the express purpose of paying or making a contribution, either

directly or indirectly, of money or other thing of value to any candidate, candidate committee, joint candidates committee, political party committee, legislative leadership committee, political committee or continuing political committee.

Any corporation or labor organization of any kind found to be in violation of this subsection shall, in addition to any other penalty provided by law, be liable to a penalty of not more than $3,000 for the first offense and not more than $6,000 for the second and each subsequent offense. Any officer, director, attorney, agent or other employee of a corporation or labor organization that provides to another employee of that corporation or labor organization any additional increment of salary, bonus or monetary remuneration of any kind for the purpose described in this subsection is guilty of a crime of the fourth degree.

b. No officer, director, attorney, agent or other employee of a corporation or labor organization of any kind shall use any part of any additional increment of salary, bonus or monetary remuneration of any kind which, in whole or in part, is intended by that corporation or labor organization to be used for the express and intentional purpose of paying or making a contribution, either directly or indirectly, of money or other thing of value to a candidate, candidate committee, joint candidates committee, political party committee, legislative leadership committee, political committee or continuing political committee by a corporation or labor organization of any kind, for the purpose of paying or making a contribution, either directly or indirectly, of money or other thing of value to a candidate, candidate committee, joint candidates committee, political party committee, legislative leadership committee, political committee or continuing political committee.

Any officer, director, attorney, agent or other employee of a corporation or labor organization of any kind found to be in violation of this subsection of this section is guilty of a crime of the fourth degree.

C.19:44A-10.1 Establishment of legislative leadership committee.

16. a. The President of the Senate, the Minority Leader of the Senate, the Speaker of the General Assembly and the Minority Leader of the General Assembly may each establish, authorize the establishment of, or designate one legislative leadership committee for the purpose of receiving contributions and making expenditures to aid or promote the candidacy of any individual, or the candidacy of individuals, for elective office in any election or the passage or defeat of a public question or public questions in any election. The

President of the Senate, the Minority Leader of the Senate, the Speaker of the General Assembly and the Minority Leader of the General Assembly, or the person authorized to establish a legislative leadership committee therefor, shall appoint such members and adopt such bylaws for the maintenance of the committee as is deemed appropriate. In the event that the State committee of a political party is designated hereunder to serve as a legislative leadership committee, any receipts and expenditures of that State committee which relate to its activity as a legislative leadership committee shall be accounted for separately from receipts and expenditures relating to the State committee's other activities, and all activity by that State committee in its capacity as a legislative leadership committee shall, for all purposes of this act, be considered as having been conducted as the activities of a separate legislative leadership committee.

b. Within 30 days after such a committee is established, the Election Law Enforcement Commission shall be informed, in writing, of the names and addresses of the chairperson, vice-chairperson, and all other members of the committee. The commission shall be similarly informed of any change in the membership of the committee within three days of the occurrence of the change.

C.19:44A-11.2 Permitted use of contributions.

17. a. All contributions received by a candidate, candidate committee, a joint candidates committee or a legislative leadership committee shall be used only for the following purposes:

(1) the payment of campaign expenses;

(2) contributions to any charitable organization described in section 170(c) of the Internal Revenue Code of 1954, as amended or modified, or nonprofit organization which is exempt from taxation under section 501(c) of the Internal Revenue Code of 1954;

(3) transmittal to another candidate, candidate committee, or joint candidates committee, or to a political committee, continuing political committee, legislative leadership committee or political party committee, for the lawful use by such other candidate or committee;

(4) the payment of the overhead and administrative expenses related to the operation of the candidate committee or joint candidates committee of a candidate or a legislative leadership committee;

(5) the pro rata repayment of contributors; or

(6) the payment of ordinary and necessary expenses of holding public office.

As used in this subsection, "campaign expenses" means any expense incurred or expenditure made by a candidate, candidate committee, joint candidates committee or legislative leadership committee for the purpose of paying for or leasing items or services used in connection with an election campaign, other than those items or services which may reasonably be considered to be for the personal use of the candidate, any person associated with the candidate or any of the members of a legislative leadership committee.

b. No contribution received by a candidate or by the candidate committee or joint candidates committee of a candidate may be used for the payment of the expenses arising from the furnishing, staffing or operation of an office used in connection with that person's official duties as an elected public official.

c. Any funds remaining in the campaign depository of a candidate's candidate committee or joint candidates committee upon the death of the candidate shall be used only for one or more of the purposes established in subsection a. of this section by the committee's organizational treasurer or deputy treasurer or whoever has control of the depository upon the death of the candidate.

C.19:44A-11.3 Contributions to candidates, limitations.

18. a. No individual, other than an individual who is a candidate, no corporation of any kind organized and incorporated under the laws of this State or any other state or any country other than the United States, no labor organization of any kind which exists or is constituted for the purpose, in whole or in part, of collective bargaining, or of dealing with employers concerning the grievances, terms or conditions of employment, or of other mutual aid or protection in connection with employment, or any group shall: (1) pay or make any contribution of money or other thing of value to a candidate who has established only a candidate committee, his campaign treasurer, deputy campaign treasurer or candidate committee which in the aggregate exceeds $1,500 per election, or (2) pay or make any contribution of money or other thing of value to candidates who have established only a joint candidates committee, their campaign treasurer, deputy campaign treasurer, or joint candidates committee, which in the aggregate exceeds $1,500 per election per candidate, or (3) pay or make any contribution of money or other thing of value to a candidate who has established both a candidate committee and a joint candidates committee, the campaign treasurers, deputy campaign treasurers, or candidate committee or joint candidates committee, which in the aggregate exceeds $1,500 per election. No candidate who has established only a candidate committee, his campaign treasurer, deputy cam-

paign treasurer or candidate committee shall knowingly accept from an individual, other than an individual who is a candidate, a corporation of any kind organized and incorporated under the laws of this State or any other state or any country other than the United States, a labor organization of any kind which exists or is constituted for the purpose, in whole or in part, of collective bargaining, or of dealing with employers concerning the grievances, terms or conditions of employment, or of other mutual aid or protection in connection with employment, or any group any contribution of money or other thing of value which in the aggregate exceeds $1,500 per election, and no candidates who have established only a joint candidates committee, or their campaign treasurer, deputy campaign treasurer, or joint candidates committee, shall knowingly accept from any such source any contribution of money or other thing of value which in the aggregate exceeds $1,500 per election per candidate, and no candidate who has established both a candidate committee and a joint candidates committee, the campaign treasurers, deputy campaign treasurers, or candidate committee or joint candidates committee shall knowingly accept from any such source any contribution of money or other thing of value which in the aggregate exceeds $1,500 per election.

b. (1) No political committee or continuing political committee shall: (a) pay or make any contribution of money or other thing of value to a candidate who has established only a candidate committee, his campaign treasurer, deputy campaign treasurer or candidate committee, other than a candidate for nomination for election or for election for the office of Governor, which in the aggregate exceeds $5,000 per election, or (b) pay or make any contribution of money or other thing of value to candidates who have established only a joint candidates committee, their campaign treasurer or deputy campaign treasurer, or the joint candidates committee, which in the aggregate exceeds $5,000 per election per candidate, or (c) pay or make any contribution of money or other thing of value to a candidate who has established both a candidate committee and a joint candidates committee, the campaign treasurers, deputy campaign treasurers, or candidate committee or joint candidates committee, which in the aggregate exceeds $5,000 per election. No candidate who has established only a candidate committee, his campaign treasurer, deputy campaign treasurer or candidate committee, other than a candidate for nomination for election or for election for the office of Governor, shall knowingly accept from any political committee or continuing political committee any contribution of money or other thing of value which in the aggregate exceeds $5,000 per election, and no candidates who have established only a joint candidates committee, their campaign treasurer, deputy campaign treasurer, or joint candidates committee, shall knowingly accept from any such source any contribution of money or other thing of value which in the aggregate exceeds $5,000 per election per candidate, and no candidate who has established both a candidate committee and a joint candidates committee, the campaign treasurers, deputy campaign treasurers, or candidate committee or joint candidates committee shall knowingly accept from any such source any contribution of money or other thing of value which in the aggregate exceeds $5,000 per election.

(2) The limitation upon the knowing acceptance by a candidate, campaign treasurer, deputy campaign treasurer, candidate committee or joint candidates committee of any contribution of money or other thing of value from a political committee or continuing political committee under the provisions of paragraph (1) of this subsection shall also be applicable to the knowing acceptance of any such contribution from the county committee of a political party by a candidate or the campaign treasurer, deputy campaign treasurer, candidate committee or joint candidates committee of a candidate for any elective public office in another county or, in the case of a candidate for nomination for election or for election to the office of member of the Legislature, in a legislative district in which, according to the federal decennial census upon the basis of which legislative districts shall have been established, less than 20% of the population resides within the county of that county committee. In addition, all contributor reporting requirements and other restrictions and regulations applicable to a contribution of money or other thing of value by a political committee or continuing political committee under the provisions of P.L.1973, c.83 (C.19:44A-1 et al.) shall likewise be applicable to the making or payment of such a contribution by such a county committee.

The limitation upon the knowing acceptance by a candidate, campaign treasurer, deputy campaign treasurer, candidate committee or joint candidates committee of any contribution of money or other thing of value from a political committee or continuing political committee under the provisions of paragraph (1) of this subsection, except that the amount of any contribution of money or other thing of value shall be in an amount which in the aggregate does not exceed $25,000, shall also be applicable to the knowing acceptance of any such contribution from the county committee of a political party by a candidate, or the campaign treasurer, deputy campaign treasurer, candidate committee or joint candidates committee of a candidate, for nomination for election or for election to the office of member of the Legislature in a legislative district in which, according to the federal decennial census upon the basis of which legislative districts shall have been established, at least 20% but less than 40% of the population resides within the county of that county committee. In addition, all contributor reporting requirements and other restrictions and regulations applicable to a contribution of money or other thing of value by a political committee or continuing political committee under the provisions of P.L.1973, c.83 (C.19:44A-1 et al.) shall likewise be applicable to the making or payment of such a contribution by such a county committee.

With respect to the limitations in this paragraph, the Legislature finds and declares that:

(a) Persons making contributions to the county committee of a political party have a right to expect that their money will be used, for the most part, to support candidates for elective office who will most directly represent the interest of that county;

(b) The practice of allowing a county committee to use funds raised with this expectation to make unlimited contributions to candidates for the Legislature who may have a limited, or even nonexistent, connection with that county serves to undermine public confidence in the integrity of the electoral process;

(c) Furthermore, the risk of actual or perceived corruption is raised by the potential for contributors to circumvent limits on contributions to candidates by funnelling money to candidates through county committees;

(d) The State has a compelling interest in preventing the actuality or appearance of corruption and in protecting public confidence in democratic institutions by limiting amounts which a county committee may contribute to legislative candidates whose districts are not located in close proximity to that county; and

(e) It is, therefore, reasonable for the State to promote this compelling interest by limiting the amount a county committee may give to a legislative candidate based upon the degree to which the population of the legislative district overlaps with the population of that county.

c. (1) No candidate who has established only a candidate committee, his campaign treasurer, deputy treasurer or candidate committee shall (a) pay or make any contribution of money or other thing of value to another candidate who has established only a candidate committee, his campaign treasurer, deputy campaign treasurer or candidate committee, other than a candidate for nomination for election or for election for the office of Governor, which in the aggregate exceeds $5,000 per election, or (b) pay or make any contribution of money or other thing of value to candidates who have established only a joint candidates committee, their campaign treasurer, deputy campaign treasurer, or joint candidates committee, which in the aggregate exceeds $5,000 per election per candidate in the recipient committee, or (c) pay or make any contribution of money or other thing of value to a candidate who has established both a candidate committee and a joint candidates committee, the campaign treasurers, deputy campaign treasurers, or candidate committee or joint candidates committee, which in the aggregate exceeds $5,000 per election. No candidate who has established only a candidate committee, his campaign treasurer, deputy campaign treasurer or candidate committee, other than a candidate for nomination for election or for election to the office of the Governor, shall knowingly accept from another candidate who has established only a candidate committee, his campaign treasurer, deputy campaign treasurer or candidate committee, any contribution of money or other thing of value which in the aggregate exceeds $5,000 per election, and no candidates who have established only a joint candidates committee, their campaign treasurer, deputy campaign treasurer, or joint candidates committee, shall knowingly accept from any such source any contribution of money or other thing of value which in the aggregate exceeds $5,000 per election per candidate in the recipient committee, and no candidate who has established both a candidate committee and a joint candidates committee, the campaign treasurers, deputy campaign treasurers, or candidate committee or joint candidates committee, shall knowingly accept from any such source any contribution of money or other thing of value which in the aggregate exceeds $5,000 per election.

(2) No candidates who have established only a joint candidates committee, their campaign treasurer, deputy campaign treasurer, or joint candidates committee shall (a) pay or make any contribution of money or other thing of value to another candidate who has established only a candidate committee, his campaign treasurer, deputy campaign treasurer or candidate committee, other than a candidate for nomination for election or for election for the office of Governor, which in the aggregate exceeds, on the basis of each candidate in the contributing joint candidates committee,

$5,000 per election, or (b) pay or make any contribution of money or other thing of value to candidates who have established only a joint candidates committee, their campaign treasurer, deputy campaign treasurer or joint candidates committee, which in the aggregate exceeds, on the basis of each candidate in the contributing joint candidates committee, $5,000 per election per candidate in the recipient joint candidates committee, or (c) pay or make any contribution of money or other thing of value to a candidate who has established both a candidate committee and a joint candidates committee, the campaign treasurers, deputy campaign treasurers or candidate committee or joint candidates committee, which in the aggregate exceeds, on the basis of each candidate in the contributing joint candidates committee, $5,000 per election. No candidate who has established only a candidate committee, his campaign treasurer, deputy campaign treasurer, or candidate committee, other than a candidate for nomination for election or for election for the office of Governor, shall knowingly accept from other candidates who have established only a joint candidates committee, their campaign treasurer, deputy campaign treasurer or joint candidates committee, any contribution of money or other thing of value which in the aggregate exceeds, on the basis of each candidate in the contributing committee, $5,000 per election, and no candidates who have established only a joint candidates committee, their campaign treasurer, deputy campaign treasurer, or joint candidates committee, shall knowingly accept from any such source any contribution of money or other thing of value which in the aggregate exceeds, on the basis of each candidate in the contributing joint candidates committee, $5,000 per election per candidate in the recipient joint candidates committee, and no candidate who has established both a candidate committee and a joint candidates committee, the campaign treasurers, deputy campaign treasurers, or candidate committee or joint candidates committee, shall knowingly accept from any such source any contribution of money or other thing of value which in the aggregate exceeds, on the basis of each candidate in the contributing joint candidates committee, $5,000 per election.

(3) No candidate who has established both a candidate committee and a joint candidates committee, the campaign treasurers, deputy campaign treasurers, or candidate committee or joint candidates committee shall (a) pay or make any contribution of money or other thing of value to another candidate who has established only a candidate committee, his campaign treasurer, deputy

campaign treasurer or candidate committee, other than a candidate for nomination for election or for election for the office of Governor, which in the aggregate exceeds $5,000 per election, or (b) pay or make any contribution of money or other thing of value to candidates who have established only a joint candidates committee, their campaign treasurer, deputy campaign treasurer or joint candidates committee, which in the aggregate exceeds $5,000 per election per candidate in the recipient joint candidates committee, or (c) pay or make any contribution of money or other thing of value to a candidate who has established both a candidate committee and a joint candidates committee, the campaign treasurers, deputy campaign treasurers, or candidate committee or joint candidates committee, which in the aggregate exceeds $5,000 per election. No candidate who has established only a candidate committee, his campaign treasurer, deputy campaign treasurer, or candidate committee, other than a candidate for nomination for election or for election for the office of Governor, shall knowingly accept from a candidate who has established both a candidate committee and a joint candidates committee, the campaign treasurers, deputy campaign treasurers, or candidate committee or joint candidates committee, any contribution of money or other thing of value which in the aggregate exceeds $5,000 per election, and no candidates who have established only a joint candidates committee, their campaign treasurer, deputy campaign treasurer, or joint candidates committee, shall knowingly accept from any such source any contribution of money or other thing of value which in the aggregate exceeds $5,000 per election per candidate in the recipient joint candidates committee, and no candidate who has established both a candidate committee and a joint candidates committee, the campaign treasurers, deputy campaign treasurers, or candidate committee or joint candidates committee shall knowingly accept from any such source any contribution of money or other thing of value which in the aggregate exceeds $5,000 per election.

(4) Expenditures by a candidate for nomination for election or for election to the office of member of the Legislature or to an office of a political subdivision of the State, or by the campaign treasurer, deputy treasurer, candidate committee or joint candidates committee of such a candidate, which are made in furtherance of the nomination or election, respectively, of another candidate for the same office in the same legislative district or the same political subdivision shall not be construed to be subject to

any limitation under this subsection; for the purposes of this sentence, the offices of member of the State Senate and member of the General Assembly shall be deemed to be the same office.

d. Nothing contained in this section shall be construed to impose any limitation on contributions by a candidate, or by a corporation, 100% of the stock in which is owned by a candidate or the candidate's spouse, child, parent or sibling residing in the same household, to that candidate's campaign.

e. For the purpose of determining the amount of a contribution to be attributed as given to or by each candidate in a joint candidates committee, the amount of the contribution to or by such a committee shall be divided equally among all the candidates in the committee.

C.19:44A-11.4 Contributions to political party, leadership committees; limitations.

19. a. (1) Except as otherwise provided in paragraph (2) of this subsection, no individual, no corporation of any kind organized and incorporated under the laws of this State or any other state or any country other than the United States, no labor organization of any kind which exists or is constituted for the purpose, in whole or in part, of collective bargaining, or of dealing with employers concerning the grievances, terms or conditions of employment, or of other mutual aid or protection in connection with employment, no political committee, continuing political committee, candidate committee or joint candidates committee or any other group, shall pay or make any contribution of money or other thing of value to the campaign treasurer, deputy treasurer or other representative of the State committee of a political party or the campaign treasurer, deputy campaign treasurer or other representative of any legislative leadership committee, which in the aggregate exceeds $25,000 per year, or in the case of a joint candidates committee when that is the only committee established by the candidates, $25,000 per year per candidate in the joint candidates committee, or in the case of a candidate committee and a joint candidates committee when both are established by a candidate, $25,000 per year from that candidate. No campaign treasurer, deputy campaign treasurer or other representative of the State committee of a political party or campaign treasurer, deputy campaign treasurer or other representative of any legislative leadership committee shall knowingly accept from an individual, a corporation of any kind organized and incorporated under the laws of this State or any other state or any country other than the United States, a labor organization of any kind which exists or is constituted for the purpose, in whole or in part, of collective bargaining, or of

dealing with employers concerning the grievances, terms or conditions of employment, or of other mutual aid or protection in connection with employment, a political committee, a continuing political committee, a candidate committee or a joint candidates committee or any other group, any contribution of money or other thing of value which in the aggregate exceeds $25,000 per year, or in the case of a joint candidates committee when that is the only committee established by the candidates, $25,000 per year per candidate in the joint candidates committee, or in the case of a candidate committee and a joint candidates committee when both are established by a candidate, $25,000 per year from that candidate.

(2) No national committee of a political party shall pay or make any contribution of money or other thing of value to the campaign treasurer, deputy treasurer or other representative of the State committee of a political party which in the aggregate exceeds $50,000 per year, and no campaign treasurer, deputy campaign treasurer or other representative of the State committee of a political party shall knowingly accept from the national committee of a political party any contribution of money or other thing of value which in the aggregate exceeds $50,000 per year.

b. No individual, no corporation of any kind organized and incorporated under the laws of this State or any other state or any country other than the United States, no labor organization of any kind which exists or is constituted for the purpose, in whole or in part, of collective bargaining, or of dealing with employers concerning the grievances, terms or conditions of employment, or of other mutual aid or protection in connection with employment, no political committee, continuing political committee, candidate committee or joint candidates committee or any other group, shall pay or make any contribution of money or other thing of value to any county committee of a political party, which in the aggregate exceeds $25,000 per year, or in the case of a joint candidates committee when that is the only committee established by the candidates, $25,000 per year per candidate in the joint candidates committee, or in the case of a candidate committee and a joint candidates committee when both are established by a candidate, $25,000 per year from that candidate. No campaign treasurer, deputy campaign treasurer or other representative of a county committee of a political party shall knowingly accept from an individual, a corporation of any kind organized and incorporated under the laws of this State or any other state or any country other than the United States, a labor organization of any kind which exists or is constituted for the purpose, in whole or in part, of collective bargaining, or of dealing with employers concerning the grievances, terms or conditions of employment, or of other mutual aid or protection in connection with employment, a political committee, a continuing political committee, a candidate committee or a joint candidates committee or any other group, any contribution of money or other thing of value which in the aggregate exceeds $25,000 per year, or in the case of a joint candidates committee when that is the only committee established by the candidates, $25,000 per year per candidate in the joint candidates committee, or in the case of a candidate committee and a joint candidates committee when both are established by a candidate, $25,000 per year from that candidate.

c. No individual, no corporation of any kind organized and incorporated under the laws of this State or any other state or any country other than the United States, no labor organization of any kind which exists or is constituted for the purpose, in whole or in part, of collective bargaining, or of dealing with employers concerning the grievances, terms or conditions of employment, or of other mutual aid or protection in connection with employment, no political committee, continuing political committee, candidate committee or joint candidates committee or any other group shall pay or make any contribution of money or other thing of value to any municipal committee of a political party, which in the aggregate exceeds $5,000 per year, or in the case of a joint candidates committee when that is the only committee established by the candidates, $5,000 per year per candidate in the joint candidates committee, or in the case of a candidate committee and a joint candidates committee when both are established by a candidate, $5,000 per year from that candidate. No campaign treasurer, deputy campaign treasurer or other representative of a municipal committee of a political party shall knowingly accept from an individual, a corporation of any kind organized and incorporated under the laws of this State or any other state or any country other than the United States, a labor organization of any kind which exists or is constituted for the purpose, in whole or in part, of collective bargaining, or of dealing with employers concerning the grievances, terms or conditions of employment, or of other mutual aid or protection in connection with employment, a political committee, a continuing political committee, a candidate committee or a joint candidates committee or any other group, any contribution of money or other thing of value which in the aggregate exceeds $5,000 per year, or in the case of a joint candidates committee when that is the only committee established by the candidates, $5,000 per year per candidate in the joint candidates committee, or in the case of a candidate committee and a joint candidates committee when both are established by a candidate, $5,000 per year from that candidate.

No county committee of a political party in any county shall pay or make any contribution of money or other thing of value to a municipal committee of a political party in a municipality not located in that county which in the aggregate exceeds the amount of aggregate contributions which, under this subsection, a continuing political committee is permitted to pay or make to a municipal committee of a political party. No campaign treasurer, deputy campaign treasurer or other representative of a municipal committee of a political party in any municipality shall knowingly accept from any county committee of a political party in any county other than the county in which the municipality is located any contribution of money or other thing of value which in the aggregate exceeds the amount of contributions permitted to be so paid or made under that subsection.

d. For the purpose of determining the amount of a contribution to be attributed as given by each candidate in a joint candidates committee, the amount of the contribution by such a committee shall be divided equally among all the candidates in the committee.

C.19:44A-11.5 Contributions to political and continuing political committees; limitations.

20. a. No candidate who has established only a candidate committee, his campaign treasurer, deputy treasurer or candidate committee shall pay or make any contribution of money or other thing of value to a political committee, other than a political committee which is organized to, or does, aid or promote the passage or defeat of a public question in any election, or a continuing political committee, which in the aggregate exceeds, in the case of such a political committee, $5,000 per election, or in the case of a continuing political committee, $5,000 per year, and no candidates who have established only a joint candidates committee, their campaign treasurer, deputy campaign treasurer or joint candidates committee shall pay or make any contribution of money or other thing of value to such a political committee or continuing political committee which in the aggregate exceeds, in the case of such a political committee, $5,000 per election per candidate in

the joint candidates committee, or in the case of a continuing political committee, $5,000 per year per candidate in the joint candidates committee, and no candidate who has established both a candidate committee and a joint candidates committee shall pay or make any contribution of money or other thing of value which in the aggregate exceeds, in the case of such a political committee, $5,000 per election from that candidate, or in the case of a continuing political committee, $5,000 per year from that candidate. No political committee, other than a political committee which is organized to, or does, aid or promote the passage or defeat of a public question in any election, or a continuing political committee, shall knowingly accept from a candidate who has established only a candidate committee, his campaign treasurer, deputy treasurer or candidate committee, any contribution of money or other thing of value which in the aggregate exceeds, in the case of such a political committee, $5,000 per election, or in the case of a continuing political committee, $5,000 per year, and no such political committee or continuing political committee shall knowingly accept from candidates who have established only a joint candidates committee, their campaign treasurer, deputy campaign treasurer, or joint candidates committee, any contribution of money or other thing of value which in the aggregate exceeds, in the case of such a political committee, $5,000 per election per candidate in the joint candidates committee, or in the case of a continuing political committee, $5,000 per year per candidate in the joint candidates committee, and no such political committee or continuing political committee shall knowingly accept from a candidate who has established both a candidate committee and a joint candidates committee any contribution of money or other thing of value which in the aggregate exceeds, in the case of such a political committee, $5,000 per election from that candidate, or in the case of a continuing political committee, $5,000 per year from that candidate. For the purpose of determining the amount of a contribution to be attributed as given by each candidate in a joint candidates committee, the amount of the contribution by such a committee shall be divided equally among all the candidates in the committee.

b. No political committee, other than a political committee which is organized to, or does, aid or promote the passage or defeat of a public question in any election, and no continuing political committee shall pay or make any contribution of money or other thing of value to another political committee, other than a political committee which is organized to, or does, aid or promote the passage or defeat of a public question in any election, or another continuing political committee which in the aggregate exceeds, in the case of a recipient continuing political committee, $5,000 per year, or in the case of a recipient political committee, $5,000 per election. No political committee, other than a political committee which is organized to, or does, aid or promote the passage or defeat of a public question in any election, and no continuing political committee shall knowingly accept from another political committee, other than a political committee which is organized to, or does, aid or promote the passage or defeat of a public question in any election, or another continuing political committee any contribution of money or other thing of value which in the aggregate exceeds, in the case of a recipient continuing political committee, $5,000 per year, or in the case of a recipient political committee, $5,000 per election.

C.19:44A-8.1 Submission of statement of registration by committees.

21. a. Each political committee, as defined in subsection i. of section 3 of P.L.1973, c.83 (C.19:44A-3), which aids or promotes the nomination for election or the election of a candidate or the passage or defeat of a public question, each continuing political committee as defined in subsection n. of section 3 of P.L.1973, c.83, and each legislative leadership committee as defined in subsection s. of section 3 of P.L.1973, c.83, shall submit to the commission a statement of registration which includes:

(1) the complete name or identifying title of the committee and the general category of entity or entities, including but not limited to business organizations, labor organizations, professional or trade associations, candidate for or holder of public office, political party, ideological grouping or civic association, the interests of which are shared by the leadership, members, or financial supporters of the committee;

(2) the mailing address of the committee and the name and resident address of a resident of this State who shall have been designated by the committee as its agent to accept service of process; and

(3) a descriptive statement prepared by the organizers or officers of the committee that identifies (a) the names and mailing addresses of the persons having control over the affairs of the committee, including but not limited to persons in whose name or at whose direction or suggestion the committee solicits funds and persons participating in any decision to make a contribution of such funds to any candidate, political committee or continuing political committee; (b) the name and mailing address of any per-

son not included among the persons identified under subparagraph (a) of this paragraph who, directly or through an agent, participated in the initial organization of the committee; (c) in the case of any person identified under subparagraph (a) or subparagraph (b) who is an individual, the occupation of that individual, the individual's home address, and the name and mailing address of the individual's employer, or, in the case of any such person which is a corporation, partnership, unincorporated association, or other organization, the name and mailing address of the organization; and (d) any other information which the Election Law Enforcement Commission may, under such regulations as it shall adopt pursuant to the provisions of the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), require as being material to the fullest possible disclosure of the economic, political and other particular interests and objectives which the committee has been organized to or does advance. The commission shall be informed, in writing, of any change in the information required by this paragraph within three days of the occurrence of the change. Legislative leadership committees shall be exempt from the requirements of subparagraphs (a), (b) and (c) of this paragraph.

b. After submission of a statement of registration to the commission pursuant to this section, the committee shall use the complete name or identifying title on all documents submitted to the commission, in all solicitations for contributions, in all paid media advertisements purchased or paid for by the committee in support of or in opposition to any candidate or public question, and in all contributions made by the committee to candidates or other committees.

c. Each report of contributions under section 8 of P.L.1973, c.83 (C.19:44A-8) by a political committee, continuing political committee or legislative leadership committee required under subsection a. of this section to submit a statement of registration shall include, in the case of each contributor who is an individual, the home address of the individual if different from the individual's mailing address, or, in the case of any contributor which is an organization, any information, in addition to that otherwise required, which the Election Law Enforcement Commission may, under such regulations as it shall adopt pursuant to the provisions of the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), require as being material to the fullest possible disclosure of the economic, political and other particular interests and objectives which the contributing organization has been organized to or does advance.

d. Any political committee, continuing political committee or legislative leadership committee may at any time apply to the commission for approval of an abbreviation or acronym of its complete, official name or title for its exclusive use on documents which it shall submit to the commission. Upon verification that the abbreviation or acronym has not been approved for such use by any other political committee, continuing political committee or legislative leadership committee, the commission shall approve the abbreviation or acronym for such use by the applicant committee, and the committee, and any individual, corporation, partnership, membership organization or incorporated or unincorporated association which, under the provisions of P.L.1973, c.83 (C.19:44A-1 et al.), submits any documents to the commission containing a reference to that committee, shall thereafter use that approved abbreviation or acronym in documents submitted to the commission. The commission shall, during its regular office hours, maintain for public inspection in its offices a current alphabetically arranged list of all such approved abbreviations and acronyms, indicating for each the name of the committee for which it stands, and shall make copies of the list available upon request.

C.19:44A-7.2 Adjustment of amounts for office other than Governor.

22. a. Not later than December 1 of each year preceding any year in which a general election is to be held to fill the office of Governor for a four-year term, the Election Law Enforcement Commission shall adjust the amounts, set forth in subsection b. of this section, which shall be applicable under P.L.1973, c.83 (C.19:44A-1 et al.) to primary and general elections for any public office other than the office of Governor, to limitations on contributions to and from political committees, continuing political committees, candidate committees, joint candidates committees, political party committees and legislative leadership committees and to other amounts, at a percentage which shall be the same as the percentage of change that the commission applies to the amounts used for the primary and general elections for the office of Governor held in the third year preceding the year in which that December 1 occurs, pursuant to section 19 of P.L.1980, c.74 (C.19:44A-7.1), and any amount so adjusted shall be rounded in the same manner as provided in that section.

b. The amounts subject to adjustment as provided under this section shall be:

(1) the minimum amount raised or expended by any two or more persons acting jointly who qualify as a political committee and the minimum amount contributed or expected to be contributed in any calendar year by any group of two or more persons acting jointly who qualify as a continuing political committee as defined in section 3 of P.L.1973, c.83 (C.19:44A-3);

(2) the minimum amount of a contribution to a political committee, continuing political committee, legislative leadership committee or political party committee which triggers an obligation to report that contribution to the commission pursuant to section 8 of P.L.1973, c.83 (C.19:44A-8), and the minimum amount of a contribution to a candidate, candidate committee or joint candidates committee which triggers an obligation to report that contribution to the commission pursuant to section 16 of P.L.1973, c.83 (C.19:44A-16);

(3) the minimum amount of a contribution to a political committee, continuing political committee, legislative leadership committee or a political party committee received during the period between the 13th day prior to the election and the date of the election, the minimum amount of an expenditure by a political committee during that period, and the minimum amount of an expenditure by a continuing political committee during the period beginning after March 31 and ending on the date of the primary election and the period beginning after September 30 and ending on the date of the general election which triggers an obligation to report that contribution to the commission pursuant to section 8 of P.L.1973, c.83 (C.19:44A-8), and the minimum amount of a contribution to a candidate, candidate committee or joint candidates committee received during the period between the 13th day prior to the election and the date of the election which triggers an obligation to report that contribution to the commission pursuant to section 16 of P.L.1973, c.83 (C.19:44A-16);

(4) the maximum amount which may be expended by the campaign organizations of two or more candidates forming a joint candidates committee without being required to file contribution reports, pursuant to section 8 of P.L.1973, c.83 (C.19:44A-8);

(5) the maximum amount that a person, not acting in concert with any other person or group, may spend to support or defeat a candidate or to aid the passage or defeat of a public question without being required to report all such expenditures and expenses to the commission pursuant to section 11 of P.L.1973, c.83 (C.19:44A-11) and the maximum amount that a person, not acting

in concert with any other person or group, may raise through a public solicitation and expend to finance any lawful activity in support of or in opposition to any candidate or public question or to seek to influence the content, introduction, passage or defeat of legislation pursuant to section 19 of P.L.1973, c.83 (C.19:44A-19);

(6) the maximum amount that may be expended, in the aggregate, on behalf of a candidate without requiring that candidate to file contribution reports with the commission and the maximum amount that may be expended, in the aggregate, on behalf of a candidate seeking election to a public office of a school district, without requiring that candidate to file contribution reports with the commission pursuant to section 16 of P.L.1973, c.83 (C.19:44A-16);

(7) the maximum amount of penalty which may be imposed by the commission on any person who fails to comply with the regulatory provisions of P.L.1973, c.83 (C.19:44A-1 et al.) for a first offense or a second and subsequent offenses, pursuant to section 22 of P.L.1973, c.83 (C.19:44A-22);

(8) the maximum amount of penalty which may be imposed by the commission on any corporation or labor organization which provides any of its employees any additional increment of salary for the express purpose of making a contribution to a candidate, candidate committee, joint candidates committee, political party committee, legislative leadership committee, political committee or continuing political committee for a first or a second and subsequent offenses, pursuant to section 15 of P.L.1993, c.65 (C.19:44A-20.1);

(9) the maximum amount of contributions permitted to be made by an individual, a corporation or labor organization to a candidate, candidate committee or joint candidates committee, the maximum amount of contributions permitted to be made by a political committee or a continuing political committee to a candidate, candidate committee or joint candidates committee other than the committee of a candidate for nomination or election to the office of Governor and the maximum amount of contributions permitted to be made by one candidate, candidate committee or joint candidates committee, other than the committee of a candidate for nomination or election to the office of Governor, to another candidate, candidate committee or joint candidates committee other than the committee of a candidate for nomination or election to the office of Governor pursuant to section 18 of P.L.1993, c.65 (C.19:44A-11.3);

(10) the maximum amount of contributions permitted to be made by an individual, corporation, labor organization, political

committee, continuing political committee, candidate committee or joint candidates committee or any other group to any political party committee or any legislative leadership committee pursuant to section 19 of P.L.1993, c.65 (C.19:44A-11.4);

(11) the maximum amount of contributions permitted to be made by a candidate, candidate committee or joint candidates committee to a political committee or a continuing political committee and the maximum amount of contributions permitted to be made by one political committee or continuing political committee to another political committee or continuing political committee pursuant to section 20 of P.L.1993, c.65 (C.19:44A-11.5).

(12) the amount of filing fees which may be collected from a candidate committee, a joint candidates committee, a continuing political committee, a political party committee, a legislative leadership committee, or any other person pursuant to section 6 of P.L.1973, c.83 (C.19:44A-6) (as that section shall have been amended by P.L. , c. , now pending before the Legislature as Senate Committee Substitute for Senate, No. 70 (1R)).

c. Not later than December 15 of each year preceding any year in which a general election is to be held to fill the office of Governor for a four-year term, the commission shall report to the Legislature and make public its adjustment of limits in accordance with the provisions of this section. Whenever, following the transmittal of that report, the commission shall have notice that a person has declared as a candidate for nomination for election or for election to any public office in a forthcoming primary or general election, it shall promptly notify that candidate of the amounts of those adjusted limits.

C.19:44A-11.6 Loans for contributions; limitations.

23. Any person, partnership, association, political committee or continuing political committee may make a loan or loans to any person, partnership, association, political committee or continuing political committee with knowledge or reason to know that the prospective recipient of the loan intends to use the proceeds thereof to make a contribution in aid of any candidate or the candidate committee or joint candidates committee of any candidate, provided that, at any time, the aggregate total of the unrepaid portion of all such loans by that lender shall not exceed an amount equal to twice the maximum amount of contributions in the aggregate which, under subsection a. of section 18 of P.L.1993, c.65 (C.19:44A-11.3), the lender is permitted to make to such a candi-

date. The provisions of this subsection shall not apply to any bank, savings bank, savings and loan association or credit union, whether chartered by the United States, this State, or any other state or territory of the United States, or by a foreign country.

C.19:44A-22.1 Summary action by candidate, injunctive relief.

24. If a political committee or continuing political committee, having been established or consisting of members or having received contributions in violation of this act, shall have made any contribution or expenditure in opposition to, or in furtherance of the defeat of, a candidate, that candidate may, in a summary action in the Superior Court, apply for an order directing that political committee or continuing political committee to show cause why the court should not grant such injunctive relief as the candidate may seek. The court shall decide the application within 48 hours of the filing thereof and, upon a proper demonstration of the candidate's entitlement thereto, shall grant appropriate injunctive relief against that political committee or continuing political committee.

In addition, the court may order that contributions previously received by the committee shall be deemed to be contributions to the candidate committee or joint candidates committee, as appropriate, of the candidate's opponent in the election for all purposes of section 18 of P.L.1993, c.65 (C.19:44A-11.3), and shall so advise the Election Law Enforcement Commission. The court may also order that, to the extent that the amounts of such contributions so attributed are, together with other amounts contributed by the same contributors directly to the candidate committee or joint candidates committee, in excess of the amounts of contributions which that candidate committee or joint candidates committee could legally have received directly from those contributors under that section 18, the candidate committee or joint candidates committee of the aggrieved candidate may receive contributions in excess of the amounts of contributions which that candidate committee or joint candidates committee could legally receive under section 18 of that P.L.1993, c.65 (C.19:44A-11.3).

If the court determines that an application for injunctive relief under this section is frivolous, the court may award costs, including any attorney's fees, to the political committee or continuing committee against which such relief was sought.

25. If any candidate or the campaign treasurer or deputy campaign treasurer of a candidate shall, prior to the effective date of

this act, have filed with the Election Law Enforcement Commission a report under P.L.1973, c.83 (C.19:44A-1 et al.) which indicates that the outstanding liabilities of the campaign fund of the candidate are in excess of all assets of that campaign fund available to pay those liabilities, the campaign fund may accept amounts of contributions in addition to the amounts permitted under sections 18, 19 and 20 of P.L.1993, c.65 (C.19:44A-11.3, C.19:44A-11.4 and C.19:44A-11.5), provided that the aggregate total of those additional amounts shall not be greater than the amount of the excess so indicated.

26. Notwithstanding any other law to the contrary, the Election Law Enforcement Commission is hereby empowered and directed to publish any rule and to take any administrative action whatsoever, necessary to insure that the provisions of this 1993 amendatory and supplementary act shall be applicable to the June, 1993 primary election. The adoption and publication of rules shall, to the extent feasible, be subject to the provisions of the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), provided that the commission shall be excused from strict compliance with any requirement under that act if and to the extent that it determines, in the reasonable exercise of its discretion, that the public interest in the timely implementation of the provisions of this 1993 amendatory and supplementary act so requires. Any rule adopted by this provision shall take effect on the 45th day following enactment of this amendatory and supplementary act.

27. This act shall take effect on the 30th day following enactment, but amounts of contributions paid or made, or accepted, on or after January 1 of the year in which such enactment occurs and prior to that effective date by any person to whom the provisions of sections 18, 19, or 20 apply shall not be considered in determining the application of those sections on and after that effective date.

Approved March 8, 1993.

CHAPTER 66

AN ACT providing for the licensure of public adjusters by the Department of Insurance and making an appropriation therefor.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

C.17:22B-1 Short title.

1. This act shall be known and may be cited as the "Public Adjusters' Licensing Act."

C.17:22B-2 Definitions.

2. As used in this act:

"Commissioner" means the Commissioner of Insurance.

"Department" means the Department of Insurance.

"Public adjuster" or "adjuster" means any individual, firm, association or corporation who, or which, for money, commission or any other thing of value, acts or aids in any manner on behalf of an insured in negotiating for, or effecting, the settlement of claims for loss of damage caused by, or resulting from, any accident, incident, or occurrence covered under a property insurance policy, including, but not limited to, a flood, transit, inland marine or ocean marine policy; or who, or which, advertises for, or solicits employment as an adjuster of those claims. The term "public adjuster" shall also include any individual who, for money, commission or any other thing of value, solicits or adjusts those claims on behalf of any public adjuster.

C.17:22B-3 License required for adjuster.

3. a. No individual, firm, association or corporation shall act as an adjuster in this State unless authorized to do so by virtue of a license issued or renewed pursuant to this act.

b. No adjuster shall act on behalf of an insured unless licensed as a public adjuster.

c. The holder of a license under this act may act as an adjuster without any other license.

C.17:22B-4 Nonapplicability of act.

4. a. Nothing contained in this act applicable to public adjusters shall apply to any employee, agent, or other representative of any authorized insurer who acts in that capacity in the adjustment of claims, nor to any licensed insurance producer who is designated by the insurer to act as an adjuster for a client of the producer without any compensation for those services as adjuster. No insurer's representative and no licensed insurance producer shall advertise or publicly solicit the adjustment of claims in a manner likely to mislead the public into believing that he is offering his services as a public adjuster.

b. Nothing contained in this act shall apply to:

(1) any licensed attorney of this State who acts or aids in adjusting insurance claims as an incident to the practice of his profession and who does not advertise himself as a public adjuster;

(2) any licensed insurance producer who acts as an adjuster with respect to any loss involving insurance contracts under which he was the broker of record in placing the insurance, whether or not designated in writing to act for the insured;

(3) any other duly licensed producer who has been designated to act for the insured in writing before a loss occurs; or

(4) an auto body repair facility licensed pursuant to P.L.1983, c.360 (C.39:13-1 et seq.) that acts or aids in adjusting a motor vehicle insurance claim as an incident to the performance of duties for which it is licensed.

C.17:22B-5 Issuance of license.

5. The commissioner may issue a public adjuster's license to any individual, firm, association or corporation, hereinafter designated as the licensee, who, or which, is trustworthy and competent to act as an adjuster in a manner as to safeguard the interests of the people of this State and who, or which, has complied with the prerequisites herein prescribed. A license issued to a corporation may name as sublicensees only the officers and directors of the corporation, and a license issued to a firm or association may name as sublicensees only the individual members of the firm or association. Each sublicensee named in the license issued to a firm, association or corporation shall be qualified to obtain a license as a public adjuster and for each sublicensee a fee shall be paid at the times and at the rate hereinafter specified. Each sublicensee shall be authorized, pursuant to the license, to act as a public adjuster only on behalf of the licensee.

C.17:22B-6 Application requirements.

6. a. Before any license or any renewal thereof shall be issued by the commissioner, there shall be filed in his office a written application therefor. The application shall be in the form prescribed by the commissioner and shall contain information as he may require.

b. Each individual applicant and proposed sublicensee signing an application shall submit to the commissioner, together with the application: (1) his photograph, in duplicate, in passport size; and (2) fingerprints of his two hands taken on standard fingerprint cards by a State or municipal law enforcement agency. No license shall be issued to any person who has ever been convicted of an indictable offense, or of any crime or offense involving fraud or dishonesty; nor shall a licensee under this act employ any person who has ever been convicted of an indictable offense or a crime or offense as aforesaid. The provisions of this act shall not prevent the employment of, or the issuance of a license to, any person who, subsequent to his conviction, shall have made an application for a license under and complied with the provisions of P.L.1968, c.282 (C.2A:168A-1 et seq.). The commissioner is authorized to exchange fingerprint data with and receive criminal history record information from the Federal Bureau of Investigation and the Division of State Police in the Department of Law and Public Safety for use in making the determinations required by this subsection.

c. The commissioner may require an applicant for a license to present evidence of a State tax identification number.

d. The commissioner may require an applicant for a license to present evidence, in the form he may prescribe, that the applicant has been employed for a period which he deems reasonable, by an insurer, an independent adjuster or a public adjuster, in the performance of duties which in his opinion would provide the applicant with satisfactory preliminary training for the duties and responsibilities which would devolve upon him as a licensee under this act.

C.17:22B-7 Written examination.

7. a. The commissioner shall require every individual applicant and each sublicensee to take and pass a written examination to his satisfaction, except in the case of a renewal license, in order to determine the competency of the applicant or sublicensee to act as a public adjuster. The commissioner is authorized to enter into contracts with private vendors that are reasonable and necessary in regard to examinations.

b. The commissioner may, in his discretion and on terms he may prescribe, dispense with the examination in the case of any individual applicant or proposed sublicensee who:

(1) holds a license as a public adjuster issued by another state in which the licensing provisions of public adjusters are substantially similar to the provisions of this act and which similarly recognizes and accepts public adjusters licensed in New Jersey; or

(2) previously has operated a public adjusting business in this State.

C.17:22B-8 License granted without examination, prior experience.

8. a. Upon payment of the prescribed fee as provided in this act, a person who has been employed as or acted as a public adjuster as his principal business for a period of five years imme-

diately prior to the effective date of this act, and who has demonstrated his trustworthiness and competence to act as an adjuster to the satisfaction of the commissioner, shall be granted a license without examination.

b. Application for a license without examination pursuant to this section shall be made to the commissioner within 12 months of the effective date of this act and shall be accompanied by a sworn statement:

(1) Describing the experience of the applicant as a public adjuster; and

(2) Containing other information as may be required by the commissioner.

C.17:22B-9 License fees.

9. For applications made during the first year of operation of this act, there shall be paid to the commissioner by each individual applicant and by each proposed sublicensee a fee of $300 for an initial license term of four years. Thereafter, the commissioner may adjust the amount of the license fee to produce revenues sufficient to support the regulatory obligations imposed on the department by this act. The commissioner may also prescribe by rule or regulation the term of all public adjuster licenses. The commissioner shall refund to the applicant or proposed sublicensee the fee paid if the application is denied.

C.17:22B-10 License renewal.

10. Every adjuster's license issued pursuant to this act may be renewed upon the filing of an application in conformity with section 6 of this act.

C.17:22B-11 Issuance of supplemental, temporary licenses.

11. a. Any firm, association, or corporation licensed as an adjuster under this act may at any time apply to the commissioner for the issuance of a supplemental license authorizing additional officers or directors of the corporation or additional members of the firm or association, as the case may be, to act as sublicensees and, if the requirements of this act are fully complied with as to each of the proposed sublicensees, the commissioner may thereupon issue to the licensee a supplemental license naming the additional persons as sublicensees.

b. (1) A license as a temporary sublicensee may be issued in the discretion of the commissioner for a 90-day period on the occasion of a catastrophic loss occurrence. An applicant for a license as a temporary sublicensee shall be sponsored by and work directly under the supervision of a licensed public adjuster. The temporary sublicensee shall be an agent of the sponsoring public adjuster, who shall bear full responsibility that the temporary sublicensee shall comply with this act and any rules or regulations promulgated hereunder.

(2) Proper application and a fee of $150 shall be required for license as a sublicensee pursuant to this subsection. A license as a temporary sublicensee pursuant to this subsection may be renewed for an additional 90-day period upon payment of an additional $150 fee.

(3) Information regarding adequate competency of the temporary sublicensee as a public adjuster shall be required by the commissioner.

(4) For the purposes of this subsection, "catastrophic loss occurrence" means an occurrence designated by the President of the United States or the Federal Emergency Management Agency, or the Governor of New Jersey or the State Office of Emergency Management in the Division of State Police in the Department of Law and Public Safety, or any other authorized federal, State or local agency, as an emergency or a disaster and includes, but is not limited to, a flood, hurricane, storm or earthquake.

C.17:22B-12 Bond required for licensure.

12. No adjuster's license or renewal license shall be issued to an applicant unless there shall be on file with the commissioner a bond, executed by the applicant and by approved sureties, in the penal sum of $10,000 applicable to the licensee and each of the sublicensees named in the license. The bond shall be approved as to form by the Attorney General and as to sufficiency of security by the commissioner. The bond shall be made to the State of New Jersey for the use and benefit of any person injured by a willful, malicious or wrongful act by an adjuster in connection with the transaction of his or its business as an adjuster.

C.17:22B-13 Prohibited practices.

13. No individual, firm, association or corporation licensed under this act shall:

a. enter into any agreement, oral or written, with an insured to negotiate or settle claims for loss or damage occurring in this State between the hours of six p.m. and eight a.m. during the 24 hours after the loss has occurred;

b. have any right to compensation from any insured for or on account of services rendered to an insured as a public adjuster unless the right to compensation is based upon a written memorandum, signed by the party to be charged and by the adjuster, and specifying or clearly defining the services to be rendered and the amount or extent of the compensation on a form and with such language as the commissioner may prescribe;

c. induce cancellation of a duly executed written memorandum between an insured and a public adjuster;

d. make any misrepresentation of facts or advise any person on questions of law in connection with the transaction of business as an adjuster; or

e. receive, accept or hold any moneys towards the settlement of a claim for loss or damage on behalf of an insured unless the public adjuster deposits the moneys in an interest bearing escrow account in a banking institution or savings and loan association in this State insured by an agency of the federal government. Any funds held in escrow together with interest accumulated thereon shall be the property of the insured until disbursement thereof pursuant to a written memorandum, signed by the insured and by the adjuster, specifying or clearly defining the services rendered and the amount of any compensation to be paid therefrom. In the event of the insolvency or bankruptcy of a public adjuster, the claim of an insured for any settlement moneys received, accepted or held by the adjuster shall constitute a statutory trust.

C.17:22B-14 Refusal to issue or renew license, revocation; conditions.

14. a. The commissioner may refuse to issue or renew a license, or suspend or revoke any adjuster's license if, after notice and opportunity for a hearing pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), the commissioner determines that the licensee, or any sublicensee named in the license:

(1) Has violated any provision of the insurance law, including any rules promulgated by the commissioner, or has violated any law in the course of his, or its, dealings as an adjuster;

(2) Has withheld material information or made a material misstatement in the application for the license;

(3) Has committed a fraudulent or dishonest act;

(4) Has demonstrated his, or its, incompetency, lack of integrity, bad faith, dishonesty, financial irresponsibility or untrustworthiness to act as an adjuster; or

(5) Has aided, abetted or assisted another person in violating any insurance law of this State.

b. Any person aggrieved may file with the commissioner a verified complaint setting forth facts showing sufficient grounds for the suspension or revocation of any adjuster's license. Upon the filing of the complaint, the commissioner shall determine whether the license shall be suspended or revoked.

C.17:22B-15 One-year waiting period after revocation.

15. No individual, firm, association or corporation whose license has been so revoked, and no firm or association of which the individual is a member, and no corporation of which the individual is an officer or director, shall be entitled to any license or renewal license, or to be named as sublicensee in any license or renewal license under this act, for a period of one year after the revocation, or if the revocation is judicially reviewed, for one year after the final determination of the judicial proceeding affirming the action of the commissioner in revoking the license. If any license held by a firm, association or corporation is so revoked, no member of the firm or association and no officer or director of the corporation shall be entitled to a license or to be named as sublicensee in a license for the same period of time unless the commissioner finds that the member or officer or director, as the case may be, was not personally at fault in the matter on account of which the license was revoked.

C.17:22B-16 Notice to applicant of rejection, suspension or revocation.

16. If an application for a license under this act is rejected, or if any license is suspended or revoked by the commissioner, he shall forthwith give notice to the applicant, or to the licensee or sublicensee, as the case may be.

C.17:22B-17 Violations; civil penalties.

17. Any person violating any provision of this act shall, in addition to any other sanctions provided by law, be liable to a civil penalty of not more than $2,500 for the first offense and not more than $5,000 for the second and each subsequent offense. For the purposes of this section, each transaction or statutory violation shall constitute a separate offense. In lieu of an administrative proceeding or in an action in the Superior Court, the commissioner may bring an action for the collection or enforcement of civil penalties for the violation of any provision of this act or any regulation promulgated pursuant hereto. The action may be brought in a summary manner, pursuant to "the penalty enforcement law," N.J.S.2A:58-1 et seq. Process in the action may be by summons or warrant and in the event

that the defendant in the action fails to answer the action, the court shall, upon finding an unlawful act or practice to have been committed by the defendant, issue a warrant for the defendant's arrest in order to bring the person before the court to satisfy the civil penalties imposed. In any action commenced pursuant to this section, the court may order restored to any person in interest any moneys or property acquired by means of an unlawful act or practice. Any action alleging the unlicensed practice of public adjuster shall be brought pursuant to this section in the Superior Court. In any action brought pursuant to this act, the commissioner or the court may order the payment of costs for the use of the State.

C.17:22B-18 Additional fees.

18. a. The commissioner shall set reasonable, necessary and appropriate fees, other than licensure fees under section 9 of this act, to effectuate the purposes of this act.

b. Applicants may be charged a fee for any licensing examination conducted pursuant to this act in an amount designated or approved by the commissioner.

c. All fees payable to the commissioner pursuant to this section are nonrefundable.

d. The commissioner may provide for the waiving of any fees for disabled war veterans of the United States military service.

C.17:22B-19 Licenses remain property of State.

19. a. All licenses shall at all times be the property of the State of New Jersey and upon any suspension, revocation, refusal to renew, expiration or other termination shall no longer be in force and effect. Upon any suspension, revocation or other termination of a license, the licensee or other person having possession or custody of the license shall immediately deliver it to the commissioner by personal delivery or by registered or certified mail.

b. If a license is lost, stolen or destroyed, the commissioner may accept in lieu of the return of the license the affidavit of the licensee or other person or persons responsible for the license, stating the facts of that loss, theft or destruction.

C.17:22B-20 Rules, regulations.

20. The commissioner may promulgate any rules and regulations as may be necessary to effectuate the purposes of this act pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.).

C.53:1-20.16 Criminal history record background check on adjusters.

21. At the request of the Commissioner of Insurance, the Division of State Police in the Department of Law and Public Safety shall

conduct a criminal history record background check, which includes a name and fingerprint identification check, of each individual applicant and proposed sublicensee for a public adjuster's license, to ascertain whether the person has a criminal history record, pursuant to subsection b. of section 6 of P.L.1993, c.66 (C.17:22B-6).

22. There is appropriated $50,000 to the Department of Insurance for initial first year administrative costs applicable to effectuate the purposes of this act. In each year thereafter, expenditures by the Department of Insurance deemed necessary to carry out the provisions of this act shall not exceed revenues from the operation of the act.

23. This act shall take effect on the 365th day after enactment.

Approved March 8, 1993.

CHAPTER 67

AN ACT concerning the allocation of costs in regional school districts, incentives for newly established regional school districts, amending N.J.S.18A:13-23 and N.J.S.18A:13-34, supplementing chapter 7D of Title 18A of the New Jersey Statutes and making an appropriation.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. N.J.S.18A:13-23 is amended to read as follows:

Apportionment of appropriations.

18A:13-23. The annual or special appropriations for regional districts, including the amounts to be raised for interest upon, and the redemption of, bonds payable by the district, shall be apportioned among the municipalities included within the regional district, as may be approved by the voters of each municipality at the annual school election or a special school election, upon the basis of:

a. the portion of each municipality's equalized valuation allocated to the regional district, calculated as described in the definition of equalized valuation in section 3 of P.L.1990, c.52 (C.18A:7D-3);

b. the proportional number of pupils enrolled from each municipality on the 15th day of October of the prebudget year in the same manner as would apply if each municipality comprised separate constituent school districts; or

c. any combination of apportionment based upon equalized valuations pursuant to subsection a. of this section or pupil enrollments pursuant to subsection b. of this section.

2. N.J.S.18A:13-34 is amended to read as follows:

Creation of regional school district, apportionment of appropriations.

18A:13-34. If the boards of education of two or more local districts, or the board of education of a consolidated district, or of a district comprising two or more municipalities, and the commissioner or his representative, after consultation, study and investigation, shall determine, that it is advisable for such districts to join and create, or for such district to become

(a) an all purpose regional school district for all the school purposes of such districts or district, or

(b) a limited purpose regional school district to provide and operate, in the territory comprised within such local districts or district, one or more of the following: elementary schools, junior high schools, high schools, vocational schools, special schools, health facilities or particular educational services or facilities, that board or boards shall by resolution frame and adopt a proposal to that effect stating also the manner in which the amounts to be raised for annual or special appropriations for such proposed regional school district, including the amounts to be raised for interest upon, and the redemption of bonds payable by the regional district, shall be apportioned upon the basis of:

a. the portion of each municipality's equalized valuation allocated to the regional district, calculated as described in the definition of equalized valuation in section 3 of P.L.1990, c.52 (C.18A:7D-3);

b. the proportional number of pupils enrolled from each municipality on the 15th day of October of the prebudget year in the same manner as would apply if each municipality comprised separate constituent school districts; or

c. any combination of apportionment based upon equalized valuations pursuant to subsection a. of this section or pupil enrollments pursuant to subsection b. of this section, and each such board shall call for, and conduct, upon the same day, a special school election in each municipality in its district and shall submit thereat the question whether or not the proposal shall be approved, briefly describing the contents of the resolution and stating the date of its adoption and they may submit also, at the special election, as part of such proposal, any other provisions which may be submitted, at such a special election, under the provisions of this chapter but no such special election shall be held on any day before April 15 or after December 1 of any calendar year.

C.18A:7D-37 Supplemental State aid following regionalization.

3. For a period of five years following regionalization, each regional school district formed after the effective date of this act shall be eligible to receive supplemental State aid equal to the difference between the regional district's State foundation aid calculated pursuant to section 4 of P.L.1992, c.52 (C.18A:7D-4) for the budget year and the sum of foundation aid received by each constituent district of that regional school district in the year prior to regionalization, multiplied by the transition weight. For the purposes of this section, the transition weight shall equal 1.0 for the first year following regionalization, .80 for the second year following regionalization, .60 for the third year following regionalization, .40 for the fourth year following regionalization and .20 for the fifth year following regionalization.

C.18A:7D-28.5 New budget increase for supplemental State aid.

4. Each regional school district formed after the effective date of this act shall, for the purposes of calculation of its maximum permissible net budget pursuant to the provisions of section 85 of P.L.1990, c.52 (C.18A:7D-28), have its net budget for the prebudget year increased by an amount equal to the supplemental State aid received by the district pursuant to section 3 of this act plus the amount of any start-up costs incurred by the district in the regionalization process including, but not limited to, the costs to the district of a regionalization study, program expansion, transportation expansion, and modifications to collective bargaining agreements.

C.18A:13-23.3 Modification of apportionment of appropriations.

5. A regional district may modify the manner in which the amounts to be raised for annual or special appropriations for the district, including the amounts to be raised for interest upon, and the redemption of, bonds payable by the district, are apportioned pursuant to N.J.S.18A:13-23 only upon the occurrence of one of the following events:

a. Ten years have elapsed since the last school election in which the apportionment of costs was approved by the voters;

b. A school year in which the equalized valuations of any constituent municipality when divided by the total equalized valuations of all the constituent municipalities is either greater than .10 plus or less than .10 minus the result expressed as a decimal of the equalized valuations of the constituent municipality divided by the total equalized valuations of all the constituent municipalities in the school year of the last school election in which the apportionment of costs was approved by the voters;

c. A school year in which the pupil population of any constituent municipality when divided by the total pupil population of the regional district is either greater than .10 plus or less than .10 minus the result expressed as a decimal of the pupil population of the constituent municipality divided by the total pupil population of the regional district in the school year of the last school election in which the apportionment of costs was approved by the voters;

d. A school year in which the regional district is enlarged by the admission of one or more districts;

e. During any school year if the regional district was formed prior to the effective date of P.L.1993, c.67 (C.18A:7D-37 et al.) and has never revised its cost apportionment basis.

C.18A:13-34.2 Impact assessment.

6. The Department of Education shall provide to the board of education of a school district proposing to join or create a regional school district and to the board of education of a regional school district proposing to modify its method of apportionment, an impact assessment of the apportionment method. The impact assessment shall be provided to the board of education at least 45 days prior to the date of the school election at which the question will be presented to the voters. The failure of the department to provide an impact assessment in accordance with this section will not preclude the district from submitting the question to the voters at the school election.

7. There is appropriated from the General Fund to the Department of Education the sum of $90,000 for the purpose of providing grants to school districts, not to exceed $2,000 per district, for the cost of studying the feasibility of forming an all purpose or limited purpose regional school district.

8. This act shall take effect immediately.

Approved March 8, 1993.

CHAPTER 68

AN ACT concerning the location of certain facilities for the processing and distribution of food in South Jersey and amending P.L.1985, c.383.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. Section 6 of P.L.1985, c.383 (C.4:26-6) is amended to read as follows:

C.4:26-6 Processing, distribution center authorized; site.

6. a. The authority is authorized to acquire by purchase, establish, develop, construct, operate, maintain, repair, reconstruct, restore, improve and otherwise effectuate a food processing and distribution center. The center shall be known as the South Jersey Food Processing and Distribution Center, shall be located at a site located in Florence and Burlington townships, county of Burlington, generally located within the area lying between the line formed by the Delaware River on the west, the New Jersey Turnpike on the north, U.S. Highway Route 130 on the east and southeast, and Dulty's Lane on the south. The center shall consist, as the authority may determine, of one or more buildings, structures, facilities, properties and appurtenances incidental and necessary to a center suitable for the processing and distribution of food on a regional basis and may include a wholesale produce market and storage, distribution and processing facilities for meat, fish, dairy and other grocery products, beverages and frozen foods, driveways, roads, approaches, parking areas, restaurants, transportation structures, systems and facilities, and equipment, furnishings, and all other structures and appurtenant facilities related to, necessary for, or complementary to the purposes of the center or any facility thereof. The authority may construct on the site other facilities consistent with the purposes for which the authority was established. As part of the center the authority is authorized to make capital contributions to others for transportation and other facilities, and accommodations for the public using the center. Any part of the site not occupied or to be occupied by facilities of the center may be leased by the authority for purposes determined by the authority to be consistent with or related to the purposes of the center. In addition, the authority may contract with any person for the development of any of the facilities to be

a part of the center and may provide for the financing of the acquisition of any real property or of any construction.

b. Revenues, moneys or other funds, if any, derived from the operation or ownership of the center, shall be applied in accordance with the resolution or resolutions authorizing or relating to the issuance of bonds or notes of the authority to the following purposes and in the following order:

(1) The costs of operation and maintenance of the center and reserves therefor;

(2) Principal, sinking fund installments and redemption of and interest on any bonds or notes of the authority issued for the purposes of the center or for the purpose of refunding the same, including reserves therefor;

(3) The costs of any major or extraordinary repairs, renewals or replacements with respect to the center or incidental improvements to it not paid pursuant to paragraph (1) above, including reserves therefor;

(4) Payments required to be made pursuant to subsection b. of section 17 of P.L.1985, c.383 (C.4:26-17);

(5) Payments authorized to be made pursuant to subsection c. of section 17 of P.L.1985, c.383 (C.4:26-17);

(6) The balance remaining after application in accordance with the above shall be deposited in the General Fund.

2. This act shall take effect immediately.

Approved March 10, 1993.

CHAPTER 69

AN ACT concerning air pollution, supplementing P.L.1954, c.212 (C.26:2C-1 et seq.), and making an appropriation.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

C.26:2C-8.6 Findings, declarations on ozone problem.

1. The Legislature finds that ozone continues to be a pervasive air pollution problem for New Jersey, resulting in most of the State being designated by the federal government as a severe nonattainment area for ozone; that the formation of ozone poses a significant health threat to the citizens of the State, especially to

children and the elderly; and that ozone formation not only diminishes the quality of life of our citizens but also adversely impacts New Jersey's economic competitiveness by increasing health costs, decreasing worker productivity, decreasing agricultural production, and forcing implementation of additional costly pollution control measures.

The Legislature also finds that the federal Clean Air Act requires New Jersey and other states that are in nonattainment for ozone to adopt measures that will bring those states into compliance; that the federal Clean Air Act, in recognizing that ozone formation is a regional problem, created the Ozone Transport Region to address our region's ozone formation problem; and that any solution to New Jersey's ozone problem must involve the cooperation and efforts of the states in the region.

The Legislature further finds that a low emission vehicle program may be an effective, cost efficient method to reduce both the State's and the region's ozone problem; that the member states of the Ozone Transport Commission have endorsed adoption of a low emission vehicle program in each of their states; and that, because there may be a need to adopt such a program in this State in order to come into compliance with the federal Clean Air Act, it is in the State's best interest to authorize its adoption.

The Legislature further finds that although it is authorizing the adoption of a low emission vehicle program, it recognizes that there remain legitimate questions about that program's viability and its economic impact on this State; that New Jersey's adoption of a low emission vehicle program must be conditioned on similar adoptions by most of the states in the region in order to avoid an unfair competitive advantage and to make the program work; that the adoption of the so called "California reformulated fuel" in this State would have serious consequences to the State's economy and must not be adopted as part of a low emission vehicle program; and that further studies on the low emission vehicle program and other ozone control measures should continue.

The Legislature therefore declares that the adoption of a low emission vehicle program, so long as it is part of a regional action and does not include the adoption of the "California reformulated fuel," should be authorized as an ozone control measure in this State; that the program, and the limitations placed upon it, will protect both the environmental and economic concerns of our citizens; and that the State should move forward with a number of strategies to combat the ozone problem in New Jersey.

C.26:2C-8.7 Definitions.

2. As used in this act:

"Department" means the Department of Environmental Protection.

"Federal Clean Air Act" means the federal "Clean Air Act," 42 U.S.C.§7401 et seq., and any subsequent amendments or supplements to that act.

"Low emission vehicle program" means a low emission vehicle program based upon emission control standards for new motor vehicles or new motor vehicle engines that are identical to those adopted by the State of California in accordance with authority granted therefor pursuant to the federal Clean Air Act.

"Ozone Transport Region" means the ozone transport region established pursuant to 42 U.S.C.§7511c (a), comprising the states of Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, and Virginia, and the District of Columbia, which together form the membership of the Ozone Transport Commission for the northeastern and mid-Atlantic states established pursuant to 42 U.S.C.§7506a.

"State implementation plan" means the State implementation plan for national ambient air quality standards adopted for New Jersey pursuant to the federal Clean Air Act.

C.26:2C-8.8 Rules, regulations; implementation of low emission vehicle program.

3. a. The Department of Environmental Protection, after review and consideration of the written report prepared by the New Jersey Institute of Technology pursuant to section 9 of this act, may adopt, pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), rules and regulations establishing and implementing a low emission vehicle program in New Jersey, but shall implement that program only if the combined number of registrations of new motor vehicles in those states and the District of Columbia, excluding New Jersey, within the Ozone Transport Region that have enacted legislation or adopted rules and regulations establishing and implementing a low emission vehicle program for a motor vehicle model year not later than that proposed for implementation by the department, is equal to or greater than 40% of the total number of registrations of new motor vehicles in all of the states and the District of Columbia within the Ozone Transport Region. In adopting any rules and regulations to implement the low emission vehicle program in New Jersey, the department shall prepare a written statement on how the findings and conclusions of the report are addressed in the rules and regulations.

The department shall not implement a low emission vehicle program for a motor vehicle model year before the 1998 motor vehicle model year except as provided pursuant to subsection b. of this section.

For the purposes of this subsection, the number of registrations of new motor vehicles shall be the number of such registrations for the calendar year immediately prior to the year in which a low emission vehicle program is proposed for implementation in New Jersey.

b. The department may implement a low emission vehicle program for a motor vehicle model year before the 1998 motor vehicle model year if the states of Delaware, Maryland, New York, and Pennsylvania have enacted legislation or adopted rules and regulations respectively establishing and implementing a low emission vehicle program for a motor vehicle model year before the 1998 motor vehicle model year.

C.26:2C-8.9 Determination of number of registrations of new motor vehicles; program expiration.

4. a. If the department implements a low emission vehicle program, each year the department shall: (1) determine for the previous calendar year the number of registrations of new motor vehicles in each of the states and the District of Columbia within the Ozone Transport Region, and (2) publish in the New Jersey Register, by April 1st, a public notice of that determination.

b. If, for any such previous calendar year, the combined number of registrations of new motor vehicles in those states and the District of Columbia, excluding New Jersey, within the Ozone Transport Region that are implementing a low emission vehicle program is less than 40% of the total number of registrations of new motor vehicles in that calendar year in all of the states and the District of Columbia within the Ozone Transport Region, the low emission vehicle program in New Jersey shall expire 180 days after the department publishes the public notice required pursuant to subsection a. of this section.

C.26:2C-8.10 Sale, use of reformulated gasoline; program expiration.

5. The department shall not adopt rules and regulations requiring, for gasoline-fueled motor vehicles, the sale and use of reformulated gasoline other than that certified therefor by the United States Environmental Protection Agency pursuant to subsection (k) of 42 U.S.C.§7545 for sale and use in states other than the State of California. If the sale and use of reformulated gasoline other than that so certified is required by federal law, rule,

regulation, agency ruling, order, opinion, or other action or court order to be sold for use, and used, in gasoline-fueled motor vehicles in New Jersey because the State has implemented a low emission vehicle program, the low emission vehicle program in New Jersey shall expire 180 days from the date of enactment of the federal law, adoption of the federal rule or regulation, issuance of the agency ruling, order, opinion, or other action, or issuance of the court order, as the case may be.

C.26:2C-8.11 Air pollution control rules, regulations.

6. The department shall adopt, pursuant to the "Administrative Procedure Act," rules and regulations implementing the following mandated air pollution control measures identified in the federal Clean Air Act and consistent with any rules, regulations, or guidelines that may be promulgated therefor by the United States Environmental Protection Agency:

a. Enhanced vehicle inspection and maintenance program;

b. Correction of reasonably available control technology rules for volatile organic compounds;

c. Reasonably available control technology rules for volatile organic compounds;

d. Reasonably available control technology rules for oxides of nitrogen;

e. New source review regulations for volatile organic compounds, oxides of nitrogen, and carbon monoxide;

f. Criteria and procedures for determining conformity between the State implementation plan and transportation plans; and

g. Use in ozone nonattainment areas of federal reformulated gasoline that meets the requirements of subsection (k) of 42 U.S.C.§7545 for sale and use in states other than the State of California.

C.26:2C-8.12 Further measures.

7. In addition to the measures enumerated in section 6 of this act, the department may implement the following air pollution control measures identified in the federal Clean Air Act and consistent with any rules, regulations, or guidelines that may be promulgated therefor by the United States Environmental Protection Agency:

a. Require on-board emission control diagnostics systems for new light duty vehicles and light duty trucks; and

b. Adopt a clean fuels vehicle program for fleets by January 1, 1995.

C.26:2C-8.13 Comprehensive plan to retire cars.

8. The department, in consultation with the Division of Motor Vehicles in the Department of Law and Public Safety and the New

Jersey Institute of Technology, and within one year of the date of enactment of this act, shall prepare and adopt a comprehensive plan to provide incentives for the retirement from use in the State of older, inefficient motor vehicles that pollute the environment at higher rates, in conformance with any available guidance provided therefor by the United States Environmental Protection Agency.

9. a. The New Jersey Institute of Technology, within nine months of the date of enactment of this act, shall prepare and submit a written report to the Governor, the Legislature, the Senate Environment Committee and the Assembly Environment Committee, or their successors as designated respectively by the President of the Senate and the Speaker of the General Assembly, and the Department of Environmental Protection:

(1) describing the various air pollution control strategies, measures, and options, including, but not limited to, a low emission vehicle program and a program to encourage the retirement from use in the State of older, inefficient motor vehicles that pollute the environment at higher rates, that have been, or could be, implemented in the State either by legislation or administrative action in order to ensure that the State shall be, and shall remain, in compliance with all applicable requirements, standards, and deadlines set forth in the federal Clean Air Act;

(2) analyzing the advantages, disadvantages, benefits, and detriments of each air pollution control strategy, measure, or option, including, but not limited to, an analysis thereof with respect to relative economic and environmental cost/benefit, health impact, social impact, and small business economic impact; and

(3) analyzing the effectiveness of the State implementation plan.

In preparing the report required pursuant to this subsection, the New Jersey Institute of Technology may consult with the Environmental and Occupational Health Sciences Institute of Rutgers, The State University, and of the University of Medicine and Dentistry of New Jersey - Robert Wood Johnson Medical School.

b. The New Jersey Institute of Technology shall be entitled to:

(1) call to its assistance and avail itself of the services of such employees of any State, county, or municipal department, board, bureau, commission, authority, or agency, or any senior public institution of higher education within the State as it may require and as may be available to it for the purpose of carrying out its duties under this act; and

(2) employ such staff, contract with such consultants and experts, and incur such traveling and other miscellaneous expenses as it may deem necessary in order to perform its duties and as may be within the limits of funds appropriated or otherwise made available to it for those purposes.

C.26:2C-8.14 Written report, list, inventory.

10. a. The Department of Environmental Protection, in consultation with the Department of Transportation and the Division of Motor Vehicles in the Department of Law and Public Safety, shall prepare and submit on a semi-annual basis to the Senate Environment Committee and the Assembly Environment Committee, or their successors as designated respectively by the President of the Senate and the Speaker of the General Assembly, a written report that shall:

(1) summarize the State implementation plan and any amendments, alterations, or supplements to that plan that have been made or proposed since the last semi-annual report was issued;

(2) analyze the progress and effectiveness of the State implementation plan with respect to ensuring that the State shall be, and shall remain, in compliance with all applicable requirements, standards, and deadlines set forth in the federal Clean Air Act; and

(3) summarize the status of the low emission vehicle program in New Jersey, if one is implemented in the State, and the status of similar programs in the states of California, Delaware, Maryland, New York, and Pennsylvania.

b. The Department of Environmental Protection shall prepare and submit to the Governor, the Legislature, and the Senate Environment Committee and the Assembly Environment Committee, or their successors as designated respectively by the President of the Senate and the Speaker of the General Assembly, and release to the public, (1) by May 30, 1993, a list of air pollution control strategies, measures, and options that are optional under federal law, for consideration and possible enactment into law by the Legislature, and (2) within 30 days after the date of enactment of this act, a comprehensive emission inventory of volatile organic compounds and oxides of nitrogen for the State, which shall include emission inventory data for the 1990 calendar year to the maximum extent possible.

c. The Department of Environmental Protection, within 30 days of a proposed substantive change to the low emission vehicle program in the State of California that in the opinion of the department shall necessitate a corresponding substantive change to the low emission vehicle program in New Jersey, if such a program is implemented in the State, shall provide written notice and a summary of the proposed substantive change to the California low emission vehicle program to the Senate Environment Committee and the Assembly Environment Committee, or their successors as designated respectively by the President of the Senate and the Speaker of the General Assembly.

11. There is appropriated from the General Fund to the New Jersey Institute of Technology the sum of $75,000 for the purposes of this act.

12. This act shall take effect immediately.

Approved March 10, 1993.

CHAPTER 70

AN ACT prohibiting the sale of certain refrigerants to minors and amending P.L.1965, c.41.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. Section 4 of P.L.1965, c.41 (C.2A:170-25.12) is amended to read as follows:

C.2A:170-25.12 Sale of certain substances; limitation.

4. a. No person shall sell, or offer to sell, to any other person any container of any substance containing any chemical material having the property of releasing toxic vapors or fumes, (1) if he has reasonable cause to suspect that the product sold, or offered for sale, will be used for the purpose set forth in section 2 of this act; or (2) which does not include an additive approved or designated by the Commissioner of the State Department of Health; and the term "additive" shall mean any element or compound approved or designated by the Commissioner of the State Department of Health for use as a safe and effective ingredient of substances containing any chemical material having the property of releasing toxic vapors or fumes for the purpose of discouraging the intentional smelling

or inhaling the fumes of such substances. This act shall not apply to adhesives manufactured only for industrial consumption.

b. Notwithstanding the provisions of subsection a. of this section, no person shall sell or offer to sell to a person under 18 years of age any product containing chlorofluorocarbon or hydrochlorofluorocarbon that is used as a refrigerant.

2. This act shall take effect immediately.

Approved March 12, 1993.

CHAPTER 71

AN ACT concerning library aid and amending P.L.1983, c.487.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. Section 2 of P.L.1983, c.487 (C.18A:74-3.1) is amended to read as follows:

C.18A:74-3.1 Counties with libraries, apportionment of per capita aid.

2. In those counties which have established county libraries pursuant to the provisions of P.L.1963, c.46 (C.40:33-5.1), the apportionment of per capita aid shall be as follows:

a. Each municipality which provides tax support for a local library shall qualify for per capita aid based on the formula in subsection a. of N.J.S.18A:74-3. This aid shall be paid to the governing body of the municipality.

b. Each county shall qualify for per capita aid based on the tax support provided by each municipality within the county for the county library pursuant to the formula in subsection a. of N.J.S.18A:74-3, except that aid shall be based upon the number of inhabitants of only those municipalities in the county which do not operate libraries established pursuant to R.S.40:54-1 et seq. This aid shall be paid to the treasurer of the county.

2. This act shall take effect immediately.

Approved March 12, 1993.

CHAPTER 72

AN ACT concerning special registration plates and supplementing chapter 3 of Title 39 of the Revised Statues.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

C.39:3-27.46 "Combat Infantryman Badge" plates.

1. a. Upon application of any person who is the holder of a Combat Infantryman Badge, as certified on the applicant's DD-214 form or on a Certificate of Release or Discharge from Active Duty, the director shall issue, for the motor vehicle owned or leased by the person, distinctive plates bearing a design approved by the director in addition to the registration number and other markings or identification prescribed by law. The plates shall bear the words "Combat Infantryman Badge" and depict the Combat Infantryman Badge emblem. The fee for these plates shall be $15 in addition to the fees otherwise prescribed by law for the registration of motor vehicles.

b. The surviving spouse of a former holder of the Combat Infantryman Badge who is eligible to operate a motor vehicle in this State under the provisions of R.S.39:3-10 may retain the special license plates obtained by the deceased spouse pursuant to this section for display on a motor vehicle registered to the surviving spouse under the provisions of R.S.39:3-4.

c. The director shall promulgate rules and regulations governing the issuance and use of these registration plates.

2. This act shall become effective on the first day of the fifth month after enactment.

Approved March 12, 1993.

CHAPTER 73

AN ACT concerning absentee voting, amending P.L.1953, c.211 and amending and supplementing P.L.1976, c.23.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. Section 2 of P.L.1953, c.211 (C.19:57-2) is amended to read as follows:

C.19:57-2 Definitions.

2. Whenever used in this act, the following terms shall, unless the context indicates otherwise, be construed to have the following meanings:

"Absentee ballot" means any military service ballot or civilian absentee ballot as herein defined.

"Absentee voter" means any person qualified to vote a military service ballot or a civilian absentee ballot under the provisions of this act.

"Armed Forces of the United States" means any branch or department of the United States Army, Navy, Air Force, Coast Guard or Marine Corps.

"Civilian absentee ballot" means a ballot for use by a civilian absentee voter as prescribed by this act.

"Civilian absentee voter" means any qualified and registered voter of the State who expects to be absent from the State on the day of any election and any qualified and registered voter who will be within the State on the day of any election but because of illness or physical disability, including blindness or pregnancy, or because of the observance of a religious holiday pursuant to the tenets of his religion, or because of resident attendance at a school, college or university, or because of the nature and hours of his employment, will be unable to cast his ballot at the polling place in his election district on the day of the election.

"Election," "general election," "primary election for the general election," "municipal election," and "special election" shall mean, respectively, such elections as defined in the Title to which this is a supplement (R.S.19:1-1 et seq.).

"Family member" means an adult who is a spouse, parent, child, grandparent, grandchild or sibling of a voter, whether by adoption or natural relationship. It shall also include any adult occupant regularly living with a voter in any residential building or part of a building intended for the use of no more than one family.

"Incapacitated absentee voter" means a voter who, due to incapacity, is unable to complete his ballot.

"Military service" means active service by any person, as a member of any branch or department of the United States Army, Navy, Air Force, Coast Guard or Marine Corps, or as a member of the maritime or merchant marine service, or as a reservist absent from his place of residence and undergoing training under Army, Navy, Air Force, Coast Guard or Marine Corps direction, at a place other than that of such person's residence.

"Military service voter" means a qualified elector under the Constitution and the laws of this State who comes within one of the following categories:

(a) Persons in the military service and their spouses and dependents.

(b) Patients in a veterans' hospital located in any place other than the place of their residences who have been in the military service in any war in which the United States has been engaged and have been discharged or released from such service.

(c) Civilians attached to or serving with the Armed Forces of the United States without this State and their spouses and dependents when residing with or accompanying them.

"Military service ballot" means a ballot for use by a military service voter as prescribed by this act.

"Member of the maritime or merchant marine service" means any person employed as an officer or crew member of a vessel documented under the laws of the United States, or a vessel owned by the United States, or a vessel of foreign-flag registry under charter to or control of the United States or enrolled with the United States for employment or training for employment, or maintained by the United States for emergency relief service as an officer or crew member of any such vessel or any such person as otherwise defined in section 107 of Pub.L. 99-410, the "Uniformed and Overseas Citizens Absentee Voting Act," (42 U.S.C.§1973ff-6).

2. Section 4 of P.L.1953, c.211 (C.19:57-4) is amended to read as follows:

C.19:57-4 Applications for absentee ballots.

4. At any time not less than seven days prior to an election in which he desires to vote by mail, a civilian absentee voter may apply to the person designated in section 6 of this act, for a civilian absentee ballot. Such application or request shall be made in writing, shall be signed by the applicant and shall state his or her place of voting residence and the address to which said ballot shall be sent, and the reason for which the ballot is requested.

Any military service voter desiring to vote in any election or any relative or friend of a military service voter who believes that such voter will desire to vote in any election, may apply to the person designated in section 6 of this act for a military service ballot to be sent to such voter. A military service voter may use a federal postcard application form to apply for a military service ballot. On any application made by a military service voter the voter may request a military service ballot for all subsequent elections held during the calendar year in which the request is made; if such a request is made, a military service ballot shall be sent in a timely manner to the voter for all such elections.

Any civilian absentee voter who fails to apply within the seven-day time prescribed above may apply in person to the county clerk for an absentee ballot on any day up to 3 p.m. of the day before the election.

In the event of sickness or confinement, the qualified voter may apply in writing for and obtain an absentee ballot by authorized messenger, who shall be so designated over the signature of the voter and whose printed name and address shall appear on the application in the space provided. The authorized messenger shall be a family member or a registered voter of the county in which the application is made and shall place his signature on the application in the space so provided in the presence of the county clerk or his designee. The county clerk or his designee shall authenticate the signature of the authorized messenger, in the event such a messenger is other than a family member, by comparing it with the signature of the said person appearing on a State of New Jersey driver's license, or other identification issued or recognized as official by the federal government, the State, or any of its political subdivisions, which identification carries the full address and signature of said person. After the signature of the application and, when appropriate, authentication, the county clerk or his designee is authorized to deliver to the authorized messenger a ballot to be delivered to the qualified voter. The Secretary of State shall cause to be prepared a standard authorized messenger application form, which may be included with the standard civilian absentee ballot application forms.

A voter who is permanently and totally disabled, and who states the reason for such disability in a request for an absentee ballot, shall be furnished an application for an absentee ballot by the county clerk for all future elections in which the voter shall be eligible to vote, without further request on the part of the voter.

3. Section 7 of P.L.1953, c.211 (C.19:57-7) is amended to read as follows:

C.19:57-7 Absentee ballots.

7. The county clerk of the county, in the case of any Statewide or countywide election; the clerk of the municipality, in the case of any municipal election; the secretary of the board of education, in the case of any school election; and the commissioners or other governing or administrative body of the district, in the case of any election to be held in any fire district, road district, sewerage district, street lighting district, water supply district or other special district, other than a municipality, created for specified public purposes within one or more municipalities, shall publish or cause to be published the following notices in substantially the following forms:

NOTICE TO MILITARY SERVICE VOTERS AND
TO THEIR RELATIVES AND FRIENDS

If you are in the military service, or the spouse or dependent of a person in military service or are a patient in a veterans' hospital or a civilian attached to or serving with the Armed Forces of the United States without the State of New Jersey, or the spouse or dependent of and accompanying or residing with a civilian attached to or serving with the Armed Forces of the United States, and desire to vote, or if you are a relative or friend of any such person who, you believe, will desire to vote in the.................................... (municipal, primary, general or other) election to be held on........................ (date of election) kindly write to the undersigned at once making application for a military service ballot to be voted in said election to be forwarded to you, stating your name, age, serial number if you are in military service, home address and the address at which you are stationed or can be found, or if you desire the military service ballot for a relative or friend then make application under oath for a military service ballot to be forwarded to him, stating in your application that he is over the age of 18 years and stating his name, serial number if he is in military service, home address and the address at which he is stationed or can be found.

Military service voters may also apply for a military service ballot by sending a federal postcard application form to the undersigned.

On the application for a military service ballot, military service voters may request that a military service ballot be sent for all subsequent elections held during this calendar year.

(NOTE: MILITARY SERVICE VOTER CLAIMING MILITARY STATION AS HOME ADDRESS FOR VOTING PURPOSES MAY NOT USE MILITARY ABSENTEE BALLOT UNLESS REGISTERED TO VOTE IN THE MUNICIPALITY WHERE SUCH STATION IS LOCATED.)

Forms of application other than federal postcard application forms can be obtained from the undersigned.

Dated.................... ....
(signature and title of county clerk)

....
(address of county clerk)

NOTICE TO PERSONS DESIRING CIVILIAN ABSENTEE BALLOTS

If you are a qualified and registered voter of the State who expects to be absent outside the State on .... (date of election) or a qualified and registered voter who will be within the State on .... (date of election) but because of permanent and total disability, or because of illness or temporary physical disability, or because of the observance of a religious holiday pursuant to the tenets of your religion, or because of resident attendance at a school, college, or university, or because of the nature and hours of employment, will be unable to cast your ballot at the polling place in your district on said date, and you desire to vote in the .... (municipal, primary, general, or other) election to be held on .... (date of election) kindly complete the application form below and send to the undersigned, or write or apply in person to the undersigned at once requesting that a civilian absentee ballot be forwarded to you. Such request must state your home address, and the address to which said ballot should be sent, and must be signed with your signature, and state the reason why you will not be able to vote at your usual polling place. No civilian absentee ballot will be furnished or forwarded to any applicant unless request therefor is received not less than seven days prior to the election, and contains the foregoing information.

Voters who are permanently and totally disabled shall, after their initial request and without further action on their part, be forwarded an absentee ballot application by the county clerk for all future elections in which they are eligible to vote. Application forms may be obtained by applying to the undersigned either in writing or by telephone, or the application form provided below may be completed and forwarded to the undersigned.

Dated.................... ....
(signature and title of county clerk)

....
(address of county clerk)

....
(Telephone No. of county clerk)

APPLICATION FORM FOR CIVILIAN ABSENTEE BALLOT
(Form to be prepared by the Secretary of State pursuant to section 17 of P.L.1977, c.47 (C.19:57-4.1)).

Such notices shall be separately published prior to the 50th day immediately preceding the holding of any election.

Notices relating to any Statewide or countywide election shall be published by the county clerk in at least two newspapers published in the county. All other officials charged with the duty of publishing such notices shall publish the same in at least one newspaper published in each municipality or district in which the election is to be held or if no newspaper be published in said municipality, then in a newspaper published in the county and circulating in such municipality, municipalities or district. All such notices shall be display advertisements.

4. Section 2 of P.L.1976, c.23 (C.19:59-2) is amended to read as follows:

C.19:59-2 Definitions.

2. As used in this act:

a. "United States" means each of the several states, the District of Columbia, Commonwealth of Puerto Rico, Guam, American Samoa and the Virgin Islands; the term does not mean or include the Canal Zone or any other territory or possession of the United States.

b. "Residing abroad" means residing outside the United States.

c. "Federal election" means any general, special or primary held for the purpose of nominating or electing any candidate for the office of President or Vice President of the United States, Presidential elector, United States Senator or member of the United States House of Representatives.

d. "Overseas federal election voter" means any person in military service who, by reason of active duty or service, is absent on the date of an election from the place of residence in New Jersey where the person is or would be qualified to vote, and any citizen of the United States residing abroad who (1) immediately prior to his departure from the United States was domiciled in New Jersey and (a) was registered to vote, or had all the qualifications to register and vote, in New Jersey; or (b) had all the qualifications to register and vote in New Jersey other than having attained 18 years of age but has since attained that age; or (c) would, but for residence, have the qualifications to register and vote in New Jersey; (2) does not maintain a residence in the United States and is not registered or qualified to vote elsewhere in the United States; and (3) holds a valid passport or card of identity and registration issued under authority of the Secretary of State of the United States.

e. "Fax" means any transmission made by an electronic telefacsimile machine or device or by any other form of electronic transmission device which transports an authentic copy of a document from one user of the device to another.

5. Section 3 of P.L.1976, c.23 (C.19:59-3) is amended to read as follows:

C.19:59-3 Registration of "Overseas federal election voter."

3. Upon compliance with the provisions of this act any person meeting the qualifications of an "Overseas federal election voter" may register to vote and may apply for and vote by absentee ballot in any federal election held in the election district of this State in which he was formerly domiciled.

6. Section 4 of P.L.1976, c.23 (C.19:59-4) is amended to read as follows:

C.19:59-4 Request for application; qualification to vote.

4. a. Requests for an application to vote in a federal election as an overseas federal election voter may be made by or on behalf of an applicant to the county clerk of the county in which the applicant was formerly domiciled or to the Secretary of State of New Jersey if the applicant does not know the county of his former domicile. All such applications shall be forwarded to such voters by air mail or by fax, if so requested by the voter. Any overseas Federal election voter requesting that an application for a ballot be sent to that voter by fax shall supply to the Secretary of State or the county clerk, as is appropriate, the telephone number and location to which the application is to be sent. To qualify an

applicant to be sent a ballot by air mail in order to vote in an election, the applicant's completed application shall be received by the appropriate county clerk on or before the thirtieth day preceding the election. To qualify an applicant to be sent a ballot by fax in order to vote in an election, the applicant's completed application shall be received by the appropriate county clerk on or before the eleventh day preceding the election.

b. An overseas federal election voter may use a federal postcard application form to register to vote or to apply for an overseas federal election voter ballot. The voter may send the form by air mail or by fax to either the appropriate county clerk or the Secretary of State and, in the case of an application for a ballot, may request that the ballot be sent by air mail or by fax. Any voter sending the form by fax shall also mail simultaneously the federal postcard application form to the appropriate county clerk or the Secretary of State. Any federal postcard application for a ballot sent by an overseas federal election voter and received by a county clerk or the Secretary of State shall also be considered a request for registration if that voter is not already registered.

7. Section 5 of P.L.1976, c.23 (C.19:59-5) is amended to read as follows:

C.19:59-5 Application form.

5. a. An application for an overseas federal election voter ballot shall be in substantially the following form:

APPLICATION FOR AN OVERSEAS FEDERAL ELECTION VOTER BALLOT

I, the undersigned, certify the following as a basis for an application as citizen of the United States residing outside the United States to receive a Federal election ballot to be voted at the election to be held on .... (date of election) that is to say:

1. I am a citizen of the United States;

2. I presently reside at...................... (if mail should be addressed other than to my residence, also provide address for mail);

3. I was born on.................... (month, day, year)

4. a. I hold a valid U.S. Passport #..........., dated.........., or

b. I hold a United States Citizens Identity and Registration Card (Form FS 225) dated........... issued by................. (name and location of U.S. Embassy or Consulate).

5. Immediately prior to taking up residence abroad I was domiciled in New Jersey and resided at........... (street

address),............. (municipality),............. (county) (If formerly registered to vote from that address check here [ ]).

6. I do not maintain a domicile in the United States and am not registered, entitled or applying to vote in any state other than New Jersey.

7. I understand that any false statement knowingly made in this application subjects me to the penalties provided by law for fraudulent voting.

....................................Applicant
(Signature)

Dated: ....Applicant
(Print or type name)

b. There shall also be sent to the applicant by air mail or by fax such instructions and portions of the law or regulations as the Secretary of State shall direct.

c. Any overseas federal election voter requesting that a ballot be sent to that voter by fax shall indicate on the application for the ballot the telephone number and location to which the ballot is to be sent.

8. Section 8 of P.L.1976, c.23 (C.19:59-8) is amended to read as follows:

C.19:59-8 Instructions for completion, return of ballots; notice.

8. a. Each county clerk shall send by air mail, with each overseas federal election voter ballot transmitted by such means, appropriate printed instructions for its completion and return, together with an inner and outer envelope similar to that required as to civilian absentee ballots with a legend on the inner envelope stating "Overseas Federal Election Voter Ballot."

b. Each county clerk shall send to each overseas federal election voter requesting that an overseas federal election voter ballot be sent to that voter by fax all appropriate printed instructions for its completion and return. The printed instructions sent to each such voter shall include a certificate substantially the same as provided for in section 9 of P.L.1976, c.23 (C.19:59-9).

c. The printed instructions sent with each overseas federal election voter ballot shall include a copy of the following notice:

PENALTY FOR FRAUDULENT VOTING

Any person who knowingly violates any of the provisions of the Overseas Residents Federal Election Absentee Voting Law, or who, not being entitled to vote thereunder, fraudulently votes or attempts to vote thereunder or enables or attempts to enable another person, not entitled to vote thereunder, to vote fraudulently thereunder or who prevents or attempts to prevent by fraud the voting of any person legally entitled to vote under this act, shall be guilty of an indictable offense, and upon conviction thereof shall be subject, in addition to such other penalties as are authorized by law, to disenfranchisement unless and until pardoned or restored by law to the right of suffrage.

9. Section 10 of P.L.1976, c.23 (C.19:59-10) is amended to read as follows:

C.19:59-10 Completion and mailing of ballot.

10. a. For overseas federal election voter ballots other than such ballots sent to the voter by fax, the procedure for completing the ballot shall be as follows:

Upon completion of the ballot by indicating his choice of candidates for the offices named, the ballot shall be placed in the inner envelope and sealed. Upon completion and signing in his handwriting the certificate attached to the inner envelope, the inner envelope shall be placed in the outer envelope which when sealed shall be mailed postage prepaid to the county board of elections whose address is printed thereon.

b. For overseas federal election voter ballots sent to the voter by fax, the procedure for completing the ballot shall be as follows:

After the ballot is received and completed by the voter by indicating that person's choice of candidates for the offices named, the ballot shall be placed in a secure envelope. Upon completion and signing in the voter's handwriting of the certificate sent to the voter pursuant to section 8 of P.L.1976, c.23 (C.19:59-8), it shall be placed in the same envelope as the voted ballot. The envelope shall then be sealed securely and sent immediately by air mail to the appropriate county clerk in this State.

10. Section 11 of P.L.1976, c.23 (C.19:59-11) is amended to read as follows:

C.19:59-11 Receiving and handling of ballots.

11. On receipt of each overseas federal election voter ballot, other than a ballot which had been sent by fax to an overseas federal election voter, the signature on the certificate on the inner envelope shall be compared to that on the person's application. All ballots, whether originally sent to an overseas federal election voter by air mail or by fax, shall be approved, disapproved, pro-

cessed, counted and disputes in connection therewith shall be handled in the same manner as is applicable to other absentee ballots. No ballot received after the time designated for the closing of the polls shall be counted.

11. Section 12 of P.L.1976, c.23 (C.19:59-12) is amended to read as follows:

C.19:59-12 Request for ballot for all federal elections during a calendar year.

12. An overseas federal election voter may request, on any application form used, an overseas federal election voter ballot for all federal elections held during the calendar year in which the request is made. Any instructions sent to an applicant pursuant to section 5 of P.L.1976, c.23 (C.19:59-5) shall inform the applicant that such a request may be made. If such a request is made, an overseas federal election voter ballot shall be sent in a timely manner to the voter for all such elections.

C.19:59-8.1 Processing faxed overseas federal election voter requests.

12. Whenever a county clerk receives a request by fax from an overseas federal election voter that an overseas federal election voter ballot be sent to that person by fax, the county clerk shall verify the voter's eligibility to vote as an overseas federal election voter in the State and the county desired. If the overseas federal voter is eligible to vote therein, the county clerk shall send the ballot to the voter as soon as practicable by fax using the telephone number supplied by the voter for that purpose. If the overseas federal election voter is not eligible to vote in the State or the county desired, notice of noneligibility shall be provided to the voter by fax as soon as practicable after the receipt of the request.

13. This act shall take effect 30 days after enactment.

Approved March 12, 1993.

CHAPTER 74

AN ACT supplementing Title 2B of the New Jersey Statutes by enactment of an additional chapter 13, Tax Court, supplementing Title 22A of the New Jersey Statutes and repealing various sections of Title 2A of the New Jersey Statutes.

Be it enacted *by the Senate and General Assembly of the State of New Jersey:*

1. An additional chapter, chapter 13, is added to Title 2B as follows:

TITLE 2B
CHAPTER 13. TAX COURT

2B:13-1. Establishment.
2B:13-2. Jurisdiction.
2B:13-3. Hearing and Determination of Cases; Legal and Equitable Relief; Practice and Procedure; Decisions.
2B:13-4. Appeals.
2B:13-5. Locations; Facilities.
2B:13-6. Judges; Number; Qualifications.
2B:13-7. Term of Office; Retirement.
2B:13-8. Compensation Not to be Reduced; Prohibition Against Gainful Employment.
2B:13-9. Impeachment and Removal; Incapacity.
2B:13-10. Presiding Judge.
2B:13-11. Annual Report.
2B:13-12. Assignment of Judges to Other Courts.
2B:13-13. Clerk.
2B:13-14. Small Claims Division Jurisdiction.
2B:13-15. Conduct of Hearing.

Establishment.

2B:13-1. Establishment. a. A Tax Court is hereby established as a court of limited jurisdiction pursuant to Article VI, Section I, paragraph 1 of the New Jersey Constitution.

b. The Tax Court shall be a court of record and shall have a seal.

Jurisdiction.

2B:13-2. Jurisdiction. a. The Tax Court shall have jurisdiction to review actions or regulations with respect to a tax matter of the following:

(1) Any State agency or official;

(2) A county board of taxation;

(3) A county or municipal official.

b. The Tax Court shall have jurisdiction over actions cognizable in the Superior Court which raise issues as to which expertise in matters involving taxation is desirable, and which have been transferred to the Tax Court pursuant to the Rules of the Supreme Court.

c. The Tax Court shall have jurisdiction over any other matters as may be provided by statute.

d. The Tax Court jurisdiction shall include any powers that may be necessary to effectuate its decisions, judgments and orders.

Hearing and determination of cases; legal and equitable relief; practice and procedure; decisions.

2B:13-3. Hearing and Determination of Cases; Legal and Equitable Relief; Practice and Procedure; Decisions. a. The Tax Court, in all causes within its jurisdiction, and subject to law, may grant legal and equitable relief so that all matters in controversy between the parties may be completely determined.

b. The Tax Court shall determine all issues of fact and of law de novo.

c. Practice and procedure in the Tax Court shall be as provided by the Rules of the Supreme Court.

d. Decisions of the Tax Court shall be published in the manner directed by the Supreme Court.

Appeals.

2B:13-4. Appeals. Judgments of the Tax Court may be appealed as of right to the Appellate Division of the Superior Court pursuant to the Rules of the Supreme Court.

Locations; facilities.

2B:13-5. Locations; facilities. a. The Tax Court shall maintain permanent locations in Trenton and Newark and may hold sessions at other locations throughout the State.

b. The State shall provide courtrooms, chambers and offices for the Tax Court at the required permanent locations in Trenton and Newark and shall arrange for courtrooms, chambers and offices or other appropriate facilities at other locations throughout the State.

Judges; number; qualifications.

2B:13-6. Judges; Number; Qualifications. a. The Tax Court shall consist of no less than six, nor more than 12 judges, each of whom shall exercise the powers of the court, subject to the Rules of the Supreme Court.

b. The judges of the Tax Court shall have been admitted to the practice of law in the State for at least 10 years prior to appointment and shall be chosen for their special qualifications, knowledge and experience in matters of taxation.

Term of office; retirement.

2B:13-7. Term of Office; Retirement. a. The judges of the Tax Court shall hold their offices for initial terms of seven years and until their successors are appointed and qualified, and upon reappointment shall hold their offices during good behavior.

b. The judges of the Tax Court shall be retired upon attaining the age of 70 years, upon the same terms and conditions as judges of the Superior Court, and shall have the same pension rights and other benefits as judges of the Superior Court.

Compensation not to be reduced; prohibition against gainful employment.

2B:13-8. Compensation Not to be Reduced; Prohibition Against Gainful Employment. a. Each judge of the Tax Court shall receive annual compensation and other benefits equal to that of a judge of the Superior Court and which shall not be diminished during the term of appointment.

b. The judges of the Tax Court shall not engage in the practice of law or other gainful pursuit nor shall they hold other office or position of profit under this State, any other State or the United States.

Impeachment and removal; incapacity.

2B:13-9. Impeachment and Removal; Incapacity. a. The judges of the Tax Court shall be subject to impeachment, and upon impeachment shall not exercise judicial office until acquitted. The judges of the Tax Court shall also be subject to removal from office by the Supreme Court for the causes and in the manner as is provided by law for the removal of judges of the Superior Court.

b. Whenever the Supreme Court certifies to the Governor that a judge of the Tax Court appears to be substantially unable to perform the duties of office, the Governor shall appoint a commission of three persons to inquire into the circumstances. Upon the recommendation of the commission, the Governor may retire the judge from office, on pension, as may be provided by law.

Presiding judge.

2B:13-10 Presiding Judge. The Chief Justice shall assign one of the judges of the Tax Court to be the presiding judge of the Tax Court. The presiding judge shall, subject to the supervision of the Chief Justice and the Administrative Director of the Courts, be responsible for the administration of the Tax Court.

Annual report.

2B:13-11. Annual Report. The presiding judge shall submit a report to the Chief Justice of the Supreme Court annually. The report shall be published as part of the Annual Report of the Administrative Director of the Courts. The report shall contain information and statistics for the previous fiscal year concerning the operation of the Tax Court. The report may also contain recommendations by the presiding judge regarding the clarification or revision of legislation, rules and regulations relating to taxation, or the practice and procedure in the Tax Court.

Assignment of judges to other courts.

2B:13-12. Assignment of Judges to Other Courts. The Chief Justice may assign judges of the Tax Court to the Superior Court or to any other court as the need appears, and any judge so assigned shall exercise all of the powers of a judge of that court.

Clerk.

2B:13-13. Clerk. The Supreme Court shall appoint to serve at its pleasure a Clerk and a Deputy Clerk of the Tax Court, neither of whom shall be subject to the provisions of Title 11A, Civil Service, of the New Jersey Statutes.

Small claims division jurisdiction.

2B:13-14. Small Claims Division Jurisdiction. The Tax Court shall have a Small Claims Division with jurisdiction in those classes of cases as may be provided by the Rules of the Supreme Court.

Conduct of hearing.

2B:13-15. Conduct of Hearing. Hearings in the Small Claims Division shall be informal, and the judge may receive evidence as the judge deems appropriate for a determination of the case, except that all testimony shall be given under oath. A party may appear on the party's own behalf or by an attorney or by any other person as may be provided by the Rules of the Supreme Court.

C.22A:5-1 Fees in Tax Court.

2. a. The filing fee for commencement of proceedings in the Tax Court, other than proceedings in the Small Claims Division, shall be the same as proceedings in the Superior Court, Law Division, except that a taxing district shall not be required to pay a filing fee upon the filing of a counterclaim or any responsive pleading.

b. Additional fees, the reduction or waiver of fees for particular classes of cases, and the fees for the Small Claims Division of the Tax Court, shall be established by the Rules of the Supreme Court.

c. No proceeding shall be heard by the Tax Court unless the fees are paid.

d. All fees shall be payable to the clerk of the Tax Court for the use of the State, and shall not be refundable except as specifically provided by the Rules of the Supreme Court.

Repealer.

3. The following are repealed:

Sections 1 through 4 of P.L.1978, c.33 (C.2A:3A-1 to C.2A:3A-4 inclusive);

Sections 12 and 13 of P.L.1979, c.114 (C.2A:3A-4.1 and C.2A:3A-4.2);

Sections 5 through 26 and sections 28 through 30 of P.L.1978, c.33 (C.2A:3A-5 through C.2A:3A-29 inclusive).

4. This act shall take effect immediately.

Approved March 12, 1993.

CHAPTER 75

AN ACT permitting the appointment of assistant municipal administrators in certain municipalities and supplementing chapter 63 of Title 40A of the Revised Statutes.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

C.40A:63-7.1 Assistant municipal administrator, office created by township.

1. a. The governing body of any township, by ordinance, may create the office of assistant municipal administrator. The primary function of the assistant municipal administrator shall be to assist in the administration of the township under the direction of the municipal administrator. The position of assistant municipal administrator shall be an unclassified position in any township which has adopted the provisions of Title 11A, Civil Service, of the New Jersey Statutes.

b. During the absence or disability of the municipal administrator, the assistant municipal administrator shall have all the powers of the municipal administrator and shall perform the functions and duties of the municipal administrator.

c. The assistant municipal administrator shall be appointed by the township governing body. The assistant municipal administrator may be removed by the township governing body.

d. The assistant municipal administrator shall receive the compensation as may from time to time be directed by the governing body by ordinance. The ordinance may provide that a person appointed to the position of assistant municipal administrator need not be a resident of the township.

C.40A:63-8.1 Assistant municipal administrator, office created by village.

2. a. The governing body of any village, by ordinance, may create the office of assistant municipal administrator. The primary function of the assistant municipal administrator shall be to assist in the administration of the village under the direction of the municipal administrator. The position of assistant municipal administrator shall be an unclassified position in any village which has adopted the provisions of Title 11A, Civil Service, of the New Jersey Statutes.

b. During the absence or disability of the municipal administrator, the assistant municipal administrator shall have all the powers of the municipal administrator and shall perform the functions and duties of the municipal administrator.

c. The assistant municipal administrator shall be appointed by the village governing body. The assistant municipal administrator may be removed with or without cause by the village governing body.

d. The assistant municipal administrator shall receive the compensation as may from time to time be directed by the governing body by ordinance. The ordinance may provide that a person appointed to the position of assistant municipal administrator need not be a resident of the village.

3. This act shall take effect immediately.

Approved March 12, 1993.

CHAPTER 76

AN ACT concerning exceptions to the county budget cap and amending P.L.1976, c.68.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. Section 4 of P.L.1976, c.68 (C.40A:4-45.4) is amended to read as follows:

C.40A:4-45.4 Limitation on increase in county tax levies over previous year; exceptions.

4. In the preparation of its budget, a county may not increase the county tax levy to be apportioned among its constituent municipalities in excess of 5% or the index rate, whichever is less, of the previous year's county tax levy, subject to the following exceptions:

a. The amount of revenue generated by the increase in valuations within the county, based solely on applying the preceding year's county tax rate to the apportionment valuation of new construction or improvements within the county, and such increase shall be levied in direct proportion to said valuation;

b. Capital expenditures, including appropriations for current capital expenditures, whether in the capital improvement fund or as a component of a line item elsewhere in the budget, provided that any such current capital expenditures would be otherwise bondable under the requirements of N.J.S.40A:2-21 and 40A:2-22;

c. (1) An increase based upon emergency temporary appropriations made pursuant to N.J.S.40A:4-20 to meet an urgent situation or event which immediately endangers the health, safety or property of the residents of the county, and over which the governing body had no control and for which it could not plan and emergency appropriations made pursuant to N.J.S.40A:4-46. Emergency temporary appropriations and emergency appropriations shall be approved by at least two-thirds of the governing body and by the Director of the Division of Local Government Services, and shall not exceed in the aggregate 3% of the previous year's final current operating appropriations.

(2) (Deleted by amendment, P.L.1990, c.89.)

The approval procedure in this subsection shall not apply to appropriations adopted for a purpose referred to in subsection d. or f. below;

d. All debt service;

e. (Deleted by amendment, P.L.1990, c.89.)

f. Amounts required to be paid pursuant to (1) any contract with respect to use, service or provision of any project, facility or public improvement for water, sewerage, parking, senior citizen housing or any similar purpose, or payments on account of debt service therefor, between a county and any other county, municipality, school or other district, agency, authority, commission, instrumentality, public corporation, body corporate and politic or political subdivision of this State; and (2) any lease of a facility owned by a county improvement authority when the lease payment represents the proportionate amount necessary to amortize the debt incurred by the authority in providing the facility which is leased, in whole or in part;

g. That portion of the county tax levy which represents funding to participate in any federal or State aid program and amounts received or to be received from federal, State or other funds in reimbursement for local expenditures. If a county provides matching funds in order to receive the federal or State or other funds, only the amount of the match which is required by law or agreement to be provided by the county shall be excepted;

h. (Deleted by amendment, P.L.1987, c.74.)

i. (Deleted by amendment, P.L.1990, c.89.)

j. (Deleted by amendment, P.L.1990, c.89.)

k. (Deleted by amendment, P.L.1990, c.89.)

l. Amounts expended to meet the standards established pursuant to the "New Jersey Public Employees' Occupational Safety and Health Act," P.L.1983, c.516 (C.34:6A-25 et seq.);

m. (Deleted by amendment, P.L.1990, c.89.)

n. (Deleted by amendment, P.L.1990, c.89.)

o. (Deleted by amendment, P.L.1990, c.89.)

p. Extraordinary expenses, approved by the Local Finance Board, required for the implementation of an interlocal services agreement;

q. Any expenditure mandated as a result of a natural disaster, civil disturbance or other emergency that is specifically authorized pursuant to a declaration of an emergency by the President of the United States or by the Governor;

r. Expenditures for the cost of services mandated by any order of court, by any federal or State statute, or by administrative rule, directive, order, or other legally binding device issued by a State agency which has identified such cost as mandated expenditures on certification to the Local Finance Board by the State agency;

s. That portion of the county tax levy which represents funding to a county college in excess of the county tax levy required to fund the county college in local budget year 1992.

2. This act shall take effect immediately.

Approved March 12, 1993.

CHAPTER 77

AN ACT to amend "An Act making appropriations for the support of the State Government and the several public purposes for the fiscal year ending June 30, 1993 and regulating the disbursement thereof," passed June 30, 1992 (P.L.1992, c.40).

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. The following item in Section 1 of P.L.1992, c.40 on page 101 is amended to read as follows:

GENERAL FUND
DIRECT STATE SERVICES
82 DEPARTMENT OF THE TREASURY
70 Government, Direction, Management and Control
74 General Government Services

There are appropriated from the Capital City Redevelopment Loan and Grant Fund such sums as may be required to provide for the administrative expenses of the Capital City Redevelopment Corporation and programs and strategies which will enhance the vitality of the district as a place to live, visit, work and conduct business, subject to the approval of the Director of the Division of Budget and Accounting.

2. This act shall take effect immediately and shall be retroactive to July 1, 1992.

Approved March 12, 1993.

CHAPTER 78

AN ACT concerning arrest and repealing N.J.S.2A:15-40.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

Repealer.

1. N.J.S.2A:15-40 is repealed.

2. This act shall take effect immediately.

Approved March 15, 1993.

CHAPTER 79

AN ACT concerning leave of absence to attend State or national conventions and amending R.S.38:23-2.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. R.S.38:23-2 is amended to read as follows:

Leave of absence for State or national conventions.

38:23-2. The head of every public department and of every court of this State, every superintendent or foreman on the public works of this State, the heads of the county offices of the several counties and the head of every department, bureau and office in the government of the various municipalities, shall give a leave of absence with pay to every person in the service of the State, county or municipality who is a duly authorized representative of the Grand Army of the Republic, United Spanish-American War Veterans, Disabled American Veterans, Disabled American Veterans' Auxiliary, Veterans of Foreign Wars, Ladies Auxiliaries of Veterans of Foreign Wars, Ladies Auxiliary, Veterans of World War I of the U.S.A., American Gold Star Mothers, Indian War Veterans, American Legion, American Legion Auxiliary, Jewish War Veterans of the United States, Ladies Auxiliary, Department of New Jersey, Jewish War Veterans of the U.S.A., Catholic War Veterans of the United States, Ladies Auxiliary of New Jersey State Department, Catholic War Veterans, The 369th Veterans Association, Incorporated, Women's Overseas Service League, American Veterans of World War Two, Korea and Vietnam, and AMVETS Ladies Auxiliary, Reserve Officers Association of the United States, Marine Corps League of the United States, Army and Navy Legion of Valor, the Twenty-ninth Division Association, Council of State Employees, War Veteran Public Employees Association, New Jersey Civil Service Association, Blind Veterans Association of New Jersey, Army and Air National Guard Association of New Jersey, The National Guard Association of the United States, The United States Coast Guard Auxiliary, Navy League, Veterans of World War I of the United States of America, Polish Legion of American Veterans, Polish Legion of American Veterans, Ladies Auxiliary, the Italian American War Veterans of the United States, Incorporated, the Ladies Auxiliary, Italian American War Veterans of the United States, Incorporated, the New Jersey Firemen's Association, the New Jersey State Exempt Firemen's

Association and the Tuskegee Airmen, Incorporated, to attend any State or national convention of such organization.

A certificate of attendance to the State convention or encampment shall, upon request, be submitted by the representative so attending.

Leave of absence shall be for a period inclusive of the duration of the convention with a reasonable time allowed for time to travel to and from the convention. No person shall be entitled to a total of more than five days' leave of absence with pay each calendar year for the purpose of attending, as authorized representative, the State or national convention of one or more of the above enumerated organizations. The leaves of absence authorized hereunder shall not be cumulative and any unused leaves shall be canceled at the end of any given year.

2. This act shall take effect immediately.

Approved March 15, 1993.

CHAPTER 80

AN ACT concerning free balances in public schools, amending P.L.1990, c.52, and N.J.S.18A:21-3 and supplementing P.L.1990, c.52 (C.18A:7D-1 et seq.).

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. Section 4 of P.L.1990, c.52 (C.18A:7D-4) is amended to read as follows:

C.18A:7D-4 Foundation aid.

4. a. Each district's foundation aid for current expense and capital outlay purposes shall be determined as follows:

A = MB - FS where

A is the foundation aid;

MB is the maximum foundation budget determined pursuant to section 6 of P.L.1990, c.52 (C.18A:7D-6);

FS is the district's local fair share determined pursuant to section 7 of P.L.1990, c.52 (C.18A:7D-7).

b. Each district's foundation aid for current expense and capital outlay shall be expended to provide a thorough and efficient system of education and may be used for preschool programs, full day kindergarten, school libraries, school security and other educational purposes and functions.

2. N.J.S.18A:21-3 is amended to read as follows:

Credits to capital reserve accounts.

18A:21-3. Such account shall be established by resolution of the board of school estimate or the board of education, as the case may be, in such form as shall be prescribed by the commissioner, a true copy of which shall be filed with the department. For any school year an amount not to exceed the amount of foundation aid anticipated in the capital outlay budget, as calculated pursuant to section 10 of P.L.1990, c.52 (C.18A:7D-10), plus any additional sum expressly approved by the voters of the district or the board of school estimate, and any free balance amount, authorized under section 3 of P.L.1993, c.80 (C.18A:7D-27.1), may be appropriated to the account. The account shall also include the earnings attributable to the investment of the assets of the account.

C.18A:7D-27.1 Appropriation of general fund excess free balances.

3. a. General fund free balances in excess of 7.5% of the budgeted general fund appropriations for the prebudget year shall be appropriated by a school district for the purpose of the budget prepared pursuant to section 22 of P.L.1990, c.52 (C.18A:7D-27).

b. If the appropriation of excess free balances pursuant to subsection a. of this section will create a hardship for the district in the 1993-94 school year, the district may apply to the county superintendent and receive approval of a schedule for the appropriation of the free balance in excess of 7.5% that will enable the district to meet this requirement no later than the beginning of the 1996-97 school year. The schedule may include approval to transfer the general fund free balance to the capital reserve account established pursuant to N.J.S.18A:21-3.

c. If the appropriation of excess free balances pursuant to subsection a. of this section will create a hardship for the district in a school year subsequent to 1993-94, the district may transfer the general fund free balance to the capital reserve account established pursuant to N.J.S.18A:21-3.

4. This act shall take effect immediately and shall be first applicable to State aid beginning with the 1993-94 school year.

Approved March 17, 1993.

CHAPTER 81

AN ACT requiring the inclusion of recycling facilities in new multifamily housing developments, amending P.L.1975, c.291 and supplementing Title 13 of the Revised Statutes.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. Section 29 of P.L.1975, c.291 (C.40:55D-38) is amended to read as follows:

C.40:55D-38 Contents ordinance.

29. Contents of ordinance. An ordinance requiring approval by the planning board of either subdivisions or site plans, or both, shall include the following:

a. Provisions, not inconsistent with other provisions of this act, for submission and processing of applications for development, including standards for preliminary and final approval and provisions for processing of final approval by stages or sections of development;

b. Provisions ensuring:

(1) Consistency of the layout or arrangement of the subdivision or land development with the requirements of the zoning ordinance;

(2) Streets in the subdivision or land development of sufficient width and suitable grade and suitably located to accommodate prospective traffic and to provide access for firefighting and emergency equipment to buildings and coordinated so as to compose a convenient system consistent with the official map, if any, and the circulation element of the master plan, if any, and so oriented as to permit, consistent with the reasonable utilization of land, the buildings constructed thereon to maximize solar gain; provided that no street of a width greater than 50 feet within the right-of-way lines shall be required unless said street constitutes an extension of an existing street of the greater width, or already has been shown on the master plan at the greater width, or already has been shown in greater width on the official map;

(3) Adequate water supply, drainage, shade trees, sewerage facilities and other utilities necessary for essential services to residents and occupants;

(4) Suitable size, shape and location for any area reserved for public use pursuant to section 32 of this act;

(5) Reservation pursuant to section 31 of this act of any open space to be set aside for use and benefit of the residents of

planned development, resulting from the application of standards of density or intensity of land use, contained in the zoning ordinance, pursuant to subsection c. of section 52 of this act;

(6) Regulation of land designated as subject to flooding, pursuant to subsection e. of section 52 of this act, to avoid danger to life or property;

(7) Protection and conservation of soil from erosion by wind or water or from excavation or grading;

(8) Conformity with standards promulgated by the Commissioner of Transportation, pursuant to the "Air Safety and Hazardous Zoning Act of 1983," P.L.1983, c.260 (C.6:1-80 et seq.), for any airport hazard areas delineated under that act;

(9) Conformity with a municipal recycling ordinance required pursuant to section 6 of P.L.1987, c.102 (C.13:1E-99.16);

(10) Conformity with the State highway access management code adopted by the Commissioner of Transportation under section 3 of the "State Highway Access Management Act," P.L.1989, c.32 (C.27:7-91), with respect to any State highways within the municipality;

(11) Conformity with any access management code adopted by the county under R.S.27:16-1, with respect to any county roads within the municipality;

(12) Conformity with any municipal access management code adopted under R.S.40:67-1, with respect to municipal streets;

(13) Protection of potable water supply reservoirs from pollution or other degradation of water quality resulting from the development or other uses of surrounding land areas, which provisions shall be in accordance with any siting, performance, or other standards or guidelines adopted therefor by the Department of Environmental Protection;

(14) Conformity with the public safety regulations concerning storm water detention facilities adopted pursuant to section 5 of P.L.1991, c.194 (C.40:55D-95.1) and reflected in storm water management plans and storm water management ordinances adopted pursuant to P.L.1981, c.32 (C.40:55D-93 et al.); and

(15) Conformity with the model ordinance promulgated by the Department of Environmental Protection and Department of Community Affairs pursuant to section 2 of P.L.1993, c.81 (C.13:1E-99.13a) regarding the inclusion of facilities for the collection or storage of source separated recyclable materials in any new multifamily housing development.

c. Provisions governing the standards for grading, improvement and construction of streets or drives and for any required walkways, curbs, gutters, streetlights, shade trees, fire hydrants and water, and drainage and sewerage facilities and other improvements as shall be found necessary, and provisions ensuring that such facilities shall be completed either prior to or subsequent to final approval of the subdivision or site plan by allowing the posting of performance bonds by the developer;

d. Provisions ensuring that when a municipal zoning ordinance is in effect, a subdivision or site plan shall conform to the applicable provisions of the zoning ordinance, and where there is no zoning ordinance, appropriate standards shall be specified in an ordinance pursuant to this article; and

e. Provisions ensuring performance in substantial accordance with the final development plan; provided that the planning board may permit a deviation from the final plan, if caused by change of conditions beyond the control of the developer since the date of final approval, and the deviation would not substantially alter the character of the development or substantially impair the intent and purpose of the master plan and zoning ordinance.

C.13:1E-99.13a Adoption of model ordinance on recycling in multifamily housing.

2. The Commissioner of Environmental Protection, in cooperation with the Commissioner of Community Affairs, shall, within 90 days of the effective date of this act, adopt a model ordinance requiring approval by the planning board of either subdivisions or site plans, or both, pursuant to paragraph (15) of subsection b. of section 29 of P.L.1975, c.291 (C.40:55D-38), as provided herein. The department shall submit the model ordinance to the Legislature for review upon its adoption. A municipality shall adopt an ordinance which is substantially similar to the model ordinance within 12 months of the adoption of the model ordinance. The model ordinance shall set forth standards governing the inclusion, in all new multifamily housing developments which require subdivision or site plan approval, of collection or storage facilities which allow for the source separation of all recyclable materials required by the district recycling plan adopted pursuant to section 3 of P.L.1987, c.102 (C.13:1E-99.13). For the purposes of this section, "multifamily housing" shall mean housing in which three or more units of dwelling space are occupied, or are intended to be occupied, by three or more persons who live independently of one another.

3. This act shall take effect immediately.

Approved March 17, 1993.

CHAPTER 82

AN ACT establishing a Light Pollution Study Commission.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. The Legislature finds that excessive and misdirected outdoor lighting, "light pollution," is a consequence of not using outdoor lighting only where necessary, when necessary, and of the type most efficient and cost-effective for the task; that controlling light pollution will result in astronomical cost savings due to the decrease in energy requirements; that light pollution, particularly from improperly shielded street lights, is a serious safety hazard to motorists; that the unchecked growth of light pollution in recent years has unnecessarily deprived most residents of the beauty of the starry night sky, while also potentially having serious effects on nocturnal fauna and flora; that while the lighting of streets, businesses, and residences is desirable and necessary for security, it is not desirable or necessary to have lights shining directly and often dangerously into the eyes of motorists, or uselessly and wastefully into the air and off into space; that in several other states, large cities such as San Diego, San Jose, and Phoenix have adopted certain anti-light pollution measures with wide public support which are saving those jurisdictions millions of dollars per year; and that it is therefore appropriate to form a panel of experts to study the problem of light pollution and to advise the Legislature as to its severity, and to recommend legislative or administrative measures to alleviate the problem and to realize substantial savings of energy and money, while restoring and protecting the beauty of the night sky.

2. a. There is created the Light Pollution Study Commission, which shall consist of 13 members appointed as follows: the Commissioners of the Departments of Commerce, Energy and Economic Development, Community Affairs, Transportation, and Environmental Protection, or their designated representatives, who shall serve ex officio; five members of the public to be appointed by the Governor with the advice and consent of the Senate; one member representing the New Jersey Chapter of the Illuminating Engineering Society; and three members representing the public electric utility industry. Of the public members, one

New Jersey State Library

shall represent the lighting industry; one shall be an astronomer with experience in the study of light pollution; one shall represent the business community; one shall represent environmental organizations; and one shall be a municipal law enforcement official. Of the electric utility members, one shall represent Public Service Electric and Gas, one shall represent Atlantic Electric, and one shall represent Jersey Central Power and Light.

b. Vacancies in the appointed membership of the commission shall be filled in the same manner as the original appointments were made.

c. Members of the commission shall serve without compensation, but shall be entitled to reimbursement for actual expenses necessarily incurred in carrying out their duties as members of the commission, within the limits of monies appropriated or otherwise made available to the commission.

d. Appointments to the commission shall be made and qualified within 60 days after the effective date of this act.

3. The Light Pollution Study Commission shall hold an organizational meeting within 30 days of the appointment and qualification of the full membership of the commission, and shall elect a chairperson from among its public members and a secretary, who need not be a member of the commission.

4. It shall be the duty of the Light Pollution Study Commission to study the problem of light pollution, the potential for monetary savings if more appropriate and efficient types of outdoor lighting are selected, as well as other benefits that would accrue if light pollution is lessened, and steps taken in other jurisdictions to address this issue and their potential applicability in this State, and to recommend any legislative, administrative, or other actions that may be taken to ameliorate the problem.

5. The Light Pollution Study Commission shall be entitled to call upon the assistance of the officers and employees of any State, county or municipal department, board, bureau, commission or agency as it may require and as may be made available to it to conduct its work, and may incur such expenses as it may deem necessary, and as may be within the limit of any funds appropriated or otherwise made available to it, to fulfill its responsibilities pursuant to this act.

6. The Light Pollution Study Commission, within nine months of its first organizational meeting, shall submit to the Governor and the Legislature a report setting forth the results of its study.

Upon submittal of its report, the commission shall expire.

7. This act shall take effect immediately.

Approved March 17, 1993.

CHAPTER 83

AN ACT concerning school budgets, amending various parts of the statutory law and repealing P.L.1988, c.151.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. Section 3 of P.L.1990, c.52 (C.18A:7D-3) is amended to read as follows:

C.18A:7D-3 Definitions.

3. For the purposes of this act, unless the context clearly requires a different meaning:

"Adjusted resident enrollment" means the number of pupils who, on the last school day prior to October 16 of the prebudget year, are residents of the district and are enrolled in: (1) the public schools of the district, except as a post-graduate or evening school pupil; or (2) another school district to which the district of residence pays tuition other than a county vocational school district in the same county or county special services school district; provided that a district shall count pupils in a shared-time vocational program who are regularly attending both the schools of the district and of a county vocational school district on an equated full-time basis in accordance with procedures to be established by the commissioner. For purposes of this section, resident enrollment shall include, beginning in the 1992-93 school year and thereafter, regardless of nonresidence, the enrolled children of teaching staff members of the school district who are permitted, by contract or local district policy, to enroll their children in the educational program of the school district without payment of tuition.

"Bilingual education pupil" means a pupil enrolled in a program of bilingual education approved by the State board.

"County vocational school, special education services pupil" means a pupil who is attending a county vocational school and who is receiving specific services pursuant to chapter 46 of Title 18A of the New Jersey Statutes in special class programs when the pupil is enrolled in a special class register.

"CPI" means the average annual increase, expressed as a decimal, in the consumer price index for all urban consumers in the New York City and Philadelphia areas during the three fiscal years preceding the prebudget year as reported by the United States Department of Labor.

"Current expense" means all expenses of the school district, as enumerated in N.J.S.18A:22-8, other than those required for interest and debt redemption charges and any budgeted capital outlay.

"Debt service" means and includes payments of principal and interest upon school bonds and other obligations issued to finance the acquisition of school sites and the acquisition, construction or reconstruction of school buildings, including furnishings, equipment and the costs of issuance of such obligations and shall include payments of principal and interest upon bonds heretofore issued to fund or refund such obligations, and upon municipal bonds and other obligations which the commissioner approves as having been issued for such purposes. Debt service pursuant to the provisions of P.L.1978, c.74 (C.18A:58-33.22 et seq.), P.L.1971, c.10 (C.18A:58-33.6 et seq.) and P.L.1968, c.177 (C.18A:58-33.2 et seq.) is excluded.

"District income" means the aggregate income of the residents of the taxing district or taxing districts, based upon data provided by the Bureau of the Census in the United States Department of Commerce for the most recent year prior to the budget year.

With respect to regional districts and their constituent districts, however, the district income as described above shall be allocated among the regional and constituent districts in proportion to the number of pupils in each of them. For the 1991-92 school year, regional and constituent pupils shall include pupils attending the schools of a county vocational school or a county special services school district. Part-time post-secondary vocational pupils are to be excluded from this calculation.

"Equalized valuation" means the equalized valuation of the taxing district or taxing districts as certified by the Director of the Division of Taxation on October 1 of the prebudget year.

With respect to regional districts and their constituent districts, however, the equalized valuations as described above shall be allocated among the regional and constituent districts in proportion to the number of pupils in each of them. For the 1991-92 school year, regional and constituent pupils shall include pupils attending the schools of a county vocational school or a county special services school district. Part-time post-secondary vocational pupils are to be excluded from this calculation. With respect to certain operating school districts, other than school districts that received funds through a municipal budget in 1989 as determined pursuant to column 1 (c) of Section C of the Abstract of Ratables, that are composed of one or more taxing districts, where 20% or more of the land area of the taxing district is situated within the development district subject to an intermunicipal tax sharing agreement pursuant to P.L.1968, c.404 (C.13:17-1 et seq.), the equalized valuation shall equal the product of .70 and the amount of equalized valuation certified by the director.

"Evening school pupils" means the equated full-time resident enrollment of pupils enrolled in a public evening school established pursuant to N.J.S.18A:48-1.

"Local levy budget" means the sum of the foundation aid and transition aid received by a school district and the district's local levy for the general fund.

"Maximum Statewide foundation aid" shall be determined annually by subtracting the total State aid payable pursuant to sections 14, 16, 80 and 81 of P.L.1990, c.52 (C.18A:7D-16, 18A:7D-18, 18A:7D-20 and 18A:7D-21) and sections 26, 29, 30 and 31 of P.L.1991, c.62 (C.18A:7D-21.1 et al.) from the maximum State school aid, by subtracting the funds appropriated pursuant to section 38 of P.L.1991, c.62 (C.18A:7D-28.2), and by adding any additional State aid which results from the provisions of section 27 of P.L.1991, c.62.

"Maximum State school aid" shall be determined for the 1992-93 school year and annually thereafter by adding 80% of the increase in the State school aid inflator and the maximum State school aid for the prebudget year. However, beginning in the 1993-94 school year, the Governor may increase the maximum State school aid to an amount not to exceed the value of the State school aid inflator.

The State school aid inflator shall be determined for the 1992-93 school year and annually thereafter by multiplying the value of the school aid inflator for the prebudget year by the sum of 1.01

and the PCI. For the 1991-92 school year, the value of the school aid inflator is $4,250,000,000.

"Net budget" means the sum of the foundation aid received by a school district and the State aid received pursuant to sections 14, 16, 25, 80, and 81 of P.L.1990, c.52 (C18A:7D-16, 18A:7D-18, 18A:7D-33, 18A:7D-20, and 18A:7D-21) and sections 26 and 31 of P.L.1991, c.62 (C.18A:7D-21.1 et al.) and the district's local levy for the general fund. For a county special services school district, the net budget shall also include tuition received by the district to provide services pursuant to chapter 46 of Title 18A of the New Jersey Statutes.

"Net debt service" means the balance after deducting all revenues from the school debt service budget of the school district and the school debt service amount included in the municipal budget, except the amounts to be raised by local taxation and State aid.

"Postgraduate pupils" means pupils who have graduated from high school and are enrolled in a secondary school for additional high school level courses.

"Prebudget year" means the school year preceding the year in which the school budget will be implemented.

"Pupils eligible for free meals or free milk" means those children who have been determined to be eligible to receive a free meal or free milk under the National School Lunch Act, 42 U.S.C. §1751 et seq., and the Child Nutrition Act of 1966, 42 U.S.C. §1771 et seq., as of October 15 of the prebudget year.

"PCI" means the average annual percentage increase, expressed as a decimal, in State per capita personal income over the four fiscal years ending on June 30 prior to the prebudget year. The per capita personal income for each of the four years shall be the average of the per capita personal income for the four quarters in each fiscal year utilizing the quarterly data for State personal income and State population as published by the United States Department of Commerce.

"Resident enrollment" means the number of pupils who, on the last school day prior to October 16 of the prebudget year, are residents of the district and are enrolled in: (1) the public schools of the district, including evening schools; (2) another school district, other than a county vocational school district in the same county or county special services school district on a full-time basis, State college demonstration school or private school to which the district of residence pays tuition; (3) a State facility; (4) are receiving home instruction; or (5) are in a shared-time vocational program and are regularly attending a school in the district and a county vocational school district. Pupils in a shared-time vocational program shall be counted on an equated full-time basis in accordance with procedures to be established by the commissioner. For purposes of this section, resident enrollment shall include, beginning in the 1992-93 school year and thereafter, regardless of nonresidence, the enrolled children of teaching staff members of the school district who are permitted, by contract or local district policy, to enroll their children in the educational program of the school district without payment of tuition.

Handicapped children between three and five years of age and receiving programs and services pursuant to N.J.S.18A:46-6 shall be included in the resident enrollment of the district.

"School district" means any local or regional school district established pursuant to chapter 8 or chapter 13 of Title 18A of the New Jersey Statutes and any county special services or county vocational school districts established pursuant to chapter 46 or chapter 54 of Title 18A of the New Jersey Statutes.

"Special education services pupil" means a pupil receiving specific services pursuant to chapter 46 of Title 18A of the New Jersey Statutes in special class programs when the pupil is enrolled in a special class register.

"Special needs district" means any school district, other than a school district in which the equalized valuation per pupil is more than twice the average Statewide equalized valuation per pupil, which, as of June 5, 1990: a. was classified by the Department of Education as an urban school district and was included in the department's district factor group A or B; or b. in which the quotient produced by dividing the number of pupils eligible for AFDC by the resident enrollment, less the number of preschool, evening school and post-graduate pupils, is greater than or equal to 0.15 and the number of pupils eligible for AFDC is greater than 1,000. For this calculation, pupils eligible for AFDC means those children aged 5-17 and resident in the district who are members of families which are eligible for "Aid to Families with Dependent Children" pursuant to P.L.1959, c.86 (C.44:10-1 et seq.), as of September 30 of the prebudget year.

"State facility" means a State residential facility for the retarded; a day training center which is operated by or under contract with the State and in which all the children have been placed by the State, including a private school approved by the Department of Education which is operated under contract with the Bureau of Special Residential Services in the Division of Developmental Disabilities in the Department of Human Services; a State residential youth center; a State training school or correctional facility; a State child treatment center or psychiatric hospital.

"Statewide average equalized school tax rate" means the amount calculated by dividing the general fund tax levy for all school districts, other than county vocational school and county special services school districts, in the State for the prebudget year by the equalized valuations of all taxing districts in the State except taxing districts for which there are no school tax levies.

"Statewide equalized valuation" means the equalized valuation of all taxing districts in the State as certified by the Director of the Division of Taxation on October 1 of the prebudget year. In the event that the equalized table certified by the Director of the Division of Taxation shall be revised by the tax court after December 15 of the prebudget year, the revised valuations shall be used in the recomputation of aid for an individual school district filing an appeal, but shall have no effect upon the calculation of the property value multiplier.

"Total Statewide income" means the sum of the district incomes of all taxing districts in the State.

2. Section 22 of P.L.1990, c.52 (C.18A:7D-27) is amended to read as follows:

C.18A:7D-27 Proposed budgets to commissioner.

22. Annually, on or before March 8, local boards of education shall submit to the commissioner a copy of their proposed budgets for the next school year. The commissioner shall review each item of appropriation within the current expense and capital outlay sections of the general fund budget and shall determine the adequacy of the budget with regard to the annual reports submitted pursuant to section 11 of P.L.1975, c.212 (C.18A:7A-11) and such other criteria as may be established by the State board.

3. Section 23 of P.L.1990, c.52 (C.18A:7D-29) is amended to read as follows:

C.18A:7D-29 Calculation of foundation aid.

23. a. Except as provided pursuant to subsection b. of this section, for purposes of calculating foundation aid, the maximum foundation budget, as calculated pursuant to section 6 of P.L.1990, c.52 (C.18A:7D-6), and local fair share, as calculated

pursuant to section 7 of P.L.1990, c.52 (C.18A:7D-7), shall be subject to a foundation aid growth limitation as follows:

If for any school district:

NB > MNB then reduce MB and FS

proportionately so that NB = MNB where

MB is the maximum foundation budget as defined in section 6 of P.L.1990, c.52 (C.18A:7D-6);

FS is the fair share as determined pursuant to section 7 of P.L.1990, c.52 (C.18A:7D-7);

NB is the net budget for the budget year had the district's budget year general fund levy equaled FS; and

MNB is 120% of the net budget for the prebudget year.

b. For the 1991-92 and 1992-93 school years MNB means the maximum permissible net budget for the budget year as determined pursuant to section 85 of P.L.1990, c.52 (C.18A:7D-28). Beginning with the 1993-94 school year, MNB for special needs school districts shall be adjusted if the special needs district's equity spending cap pursuant to the provisions of subsections c. and d. of section 85 of P.L.1990, c.52 (C.18A:7D-28), provides for budget growth greater than 20%.

c. For the 1991-92 school year, general fund free balance of less than 10% and greater than 5% of the district's 1990-91 net budget shall be appropriated for the 1991-92 budget year. Beginning March 1, 1991 and for the remainder of the 1990-91 school year, general fund free balance may be appropriated; however, such appropriation shall be approved by the commissioner.

d. If a district's general fund free balance equals 10% or more of the district's 1990-91 net budget, the district shall file a plan with the commissioner to ensure that the district's general fund free balance shall be no greater than 7.5% in the 1993-94 school year.

4. Section 87 of P.L.1990, c.52 (C.18A:7D-31) is amended to read as follows:

C.18A:7D-31 Calculation of minimum tax levy.

87. For the 1991-92 through the 1994-95 school years, the minimum tax levy for the general fund in special needs school districts shall equal the lesser of the district's local fair share as determined pursuant to section 7 of P.L.1990, c.52 (C.18A:7D-7) or the sum of the district's 1990-91 levies for current expense and capital outlay. Beginning with the 1995-96 school year, the minimum tax levy for the general fund shall equal the district's local fair share.

5. Section 3 of P.L.1979, c.294 (C.18A:22-8.2) is amended to read as follows:

C.18A:22-8.2 Certain transfers not allowed.

3. No transfer may be made under this section from appropriations or surplus accounts for:

a. Interest and debt redemption charges;

b. Capital reserve account;

c. Items classified as general fund expenses except to other items so classified.

6. N.J.S.18A:22-18 is amended to read as follows:

Capital projects; appropriations; estimation.

18A:22-18. When a board of education of a type I district shall determine by resolution that it is necessary to sell bonds to raise money for any capital project authorized by law, it shall prepare and deliver to each member of the board of school estimate a statement of the amount of money estimated to be necessary for such purpose.

7. N.J.S.18A:22-20 is amended to read as follows:

Capital projects; appropriations; how raised.

18A:22-20. The governing body of the municipality shall, subject to the limitations hereinafter contained, borrow the sum or sums determined pursuant to N.J.S.18A:22-19, and secure repayment thereof, with interest thereon, at a rate not to exceed 6% per annum, by the authorization and issuance of bonds in the corporate name of the municipality, in accordance with law.

The governing body shall not be required to appropriate any amount which if added to the net school debt of the district at the date of the appropriation shall exceed 1 1/2% of the average equalized valuations of taxable property as defined in section 18A:24-1, but may do so if it so determines by resolution.

8. N.J.S.18A:22-27 is amended to read as follows:

Type II districts with boards of school estimate; estimate by board of education; certification of estimate.

18A:22-27. Whenever the board of education in a type II school district having a board of school estimate shall, by resolution adopted by recorded roll call affirmative vote of two thirds of its full membership, determine that it is necessary to sell bonds to raise money for any capital project, it shall, by such resolution, estimate the amount necessary to be raised for such project or projects, itemizing such estimate so as to make it readily understandable, and the secretary of the board of education shall certify a copy of such resolution to each member of the board of school estimate of the district.

9. N.J.S.18A:22-33 is amended to read as follows:

Submission of budget and authorization of tax.

18A:22-33. The board of education of each type II district not having a board of school estimate shall, at each annual school election, submit to the voters of the district, the amount of money fixed and determined in its budget, excluding therefrom the sum or sums stated therein to be used for interest and debt redemption charges, in the manner provided by law, to be voted upon for the use of the public schools of the district for the ensuing school year, which amount shall be stated in the notice of the election, and the legal voters of the district shall determine at such election, by a majority vote of those voting upon the proposition, the sum or sums, not exceeding those stated in the notice of the election, to be raised by special district tax for said purposes, in the district during the ensuing school year and the secretary of the board of education shall certify the amount so determined upon, if any, and the sums so stated for interest and debt redemption charges, to the county board of taxation of the county within two days following the date of the election and the amount or amounts so certified shall be included in the taxes assessed, levied and collected in the municipality or municipalities comprising the district for such purposes.

10. N.J.S.18A:22-37 is amended to read as follows:

Determination by municipalities.

18A:22-37. If the voters reject any of the items submitted at the annual school election, the board of education shall deliver the proposed school budget to the governing body of the municipality, or of each of the municipalities included in the district within two days thereafter. The governing body of the municipality, or of each of the municipalities, included in the district shall, after consultation with the board, and by May 14, determine the amount which, in the judgment of said body or bodies, is necessary to be appropriated, for each item appearing in such budget, to provide a thorough and efficient system of schools in the district, and certify to the county board of taxation the totals of the amount so determined to be necessary for each of the following:

a. General fund expenses of schools; or

b. Appropriations to capital reserve account.

Within 15 days after the governing body of the municipality or of each of the municipalities included in the district shall make such certification to the county board of taxation, the board of education shall notify such governing body or bodies if it intends to appeal to the commissioner the amounts which said body or bodies determined to be necessary to be appropriated for each item appearing in the proposed school budget.

11. N.J.S.18A:22-38 is amended to read as follows:

Failure to certify; commissioner to act; amount included in tax levy.

18A:22-38. If said governing body or bodies shall fail so to certify any amount, determined by them to be necessary for any item rejected at the annual school election, or in event that the governing bodies of the municipalities comprising a school district, shall certify different amounts, then the commissioner shall determine the amount or amounts which in his judgment, are necessary to be appropriated, for each of the items appearing in the budget, submitted to such governing body or bodies, to provide a thorough and efficient system of public schools in the district, and certify to the county board of taxation the totals of the amount so determined to be necessary for each of the following:

a. General fund expenses of schools; or

b. Appropriations to capital reserve account;

and the amounts so certified shall be included in the taxes to be assessed, levied and collected in such municipality or municipalities for such purposes.

12. N.J.S.18A:22-39 is amended to read as follows:

Type II districts without board of school estimate; submission of capital projects.

18A:22-39. Whenever the undertaking of any capital project or projects to be paid for from the proceeds of an issue or issue of bonds is submitted to the voters of a type II district at an annual or special school election for their approval or disapproval, the board shall frame and adopt by a recorded roll call majority vote of its full membership the question or questions to be submitted so that each project is submitted in a separate question, or all or any number of them are submitted in one question, which shall state the project or projects so submitted and the amounts to be raised for each of the projects so separately submitted or for each or for all of the projects so jointly submitted, as the case may be, but any proposal for the purchase of land shall be sufficient to authorize the taking and condemning of such land.

13. N.J.S.18A:22-40 is amended to read as follows:

Raising additional sums by taxes.

18A:22-40. Whenever a board of education shall determine that it is necessary to raise additional sums of money, over and above the amount fixed and determined in the last annual school budget, by special district tax, for general fund expenses, it shall estimate the amount so deemed necessary to be raised, levied and collected and, if the board shall desire to borrow upon its promissory note in anticipation of taxes to be raised, levied and collected to provide for said expenditures, it shall estimate also the amount of interest to be paid upon said notes.

14. N.J.S.18A:22-41 is amended to read as follows:

Submission of question to voters.

18A:22-41. In any district in which the amount, with any interest to be paid thereon, to be raised, levied and collected by taxes for school purposes is determined by the voters of the district, the board shall cause the question, whether or not the amount so estimated shall be so raised, to be submitted to the legal voters of the district at a special school election, to be held on such date as shall be determined upon by the board, and if at said election the question shall be adopted, the secretary shall certify that the amount so determined upon has been authorized to be raised in said manner to the county board of taxation within five days after the date of the holding of such election.

15. N.J.S.18A:22-45 is amended to read as follows:

Moneys transferred from municipality to district; application thereof.

18A:22-45. Whenever a board of education of a district has received moneys transferred to it, by the governing body or bodies of the municipality or municipalities comprising the district, from unappropriated surplus revenue, or from unappropriated anticipated receipts, of the municipality or municipalities, the board of education shall, subject to the provisions of section 18A:22-46, apply the moneys so received, so far as the same shall be sufficient:

a. To the payment of interest on the bonded indebtedness of the district becoming due and payable during the next ensuing school fiscal year;

b. To the payment of the principal of the bonded indebtedness of the district maturing in such school fiscal year; and

c. To any of the purposes for which bonds of the district shall have been authorized but not issued to an amount not exceeding the face value of such bonds not issued; or

d. To the payment of general fund expenses of the district during said school fiscal year; or

said board may, subject to the provisions of said section, apply the whole or any part of said moneys, not in excess of $50,000.00 in any one year, to the retirement of bonds maturing in any year or years subsequent to said school fiscal year, with the approval of the director of the division of local finance in the department of community affairs and the commissioner of education and the consent of the bondholders.

16. N.J.S.18A:22-48 is amended to read as follows:

Balance credited to general fund.

18A:22-48. Any balance remaining of such funds when received shall be credited upon the amount recommended by the board to be voted upon, or if voted upon, upon the amount to be levied and collected, to meet the general fund expenses of the district during the next ensuing school fiscal year.

17. N.J.S.18A:24-54 is amended to read as follows:

Transfer of remaining unapplied balance.

18A:24-54. If all or any part of the proceeds of any bonds authorized and issued under this chapter for any school district are not applied to or necessary for the purpose or purposes for which the bonds were issued or for any other purpose or purposes authorized pursuant to this article, the board of education of the district may transfer the balance remaining unapplied to the general fund or the debt service fund of the district.

18. N.J.S.18A:44-4 is amended to read as follows:

Expenses; how paid.

18A:44-4. The expenses of nursery schools or departments and of kindergarten schools or departments shall be paid out of any moneys available for the general fund expenses of the schools, and in the same manner and under the same restrictions as the expenses of other schools or departments are paid.

19. Section 12 of P.L.1971, c.271 (C.18A:46-40) is amended to read as follows:

C.18A:46-40 Estimate of general fund expenses.

12. On or before the fourth Tuesday in March in each year the board of education of a county special services school district shall prepare and deliver to each member of the board of school estimate an itemized statement of the amount of money estimated to be necessary for the general fund expenses of the county special services school district for the ensuing school year.

20. Section 14 of P.L.1971, c.271 (C.18A:46-42) is amended to read as follows:

C.18A:46-42 Bonds, appropriation for land or buildings.

14. Whenever a board of education of a county special services school district shall decide that it is necessary to sell bonds to raise money for the purchase of lands or buildings for school purposes or for erecting, enlarging, improving, repairing, or furnishing a building or buildings for the use of the school district, it shall prepare and deliver to each member of the board of school estimate a statement of the amount of money estimated to be necessary for such purpose or purposes.

The board of school estimate shall fix and determine the necessary amount and shall make two certificates thereof, one of which certificates shall be delivered to the board of education and the other to the board of chosen freeholders of the county.

The board of chosen freeholders may appropriate and borrow such amount for the purpose or purposes aforesaid by issuance of bonds or notes of the county pursuant to the Local Bond Law, notwithstanding any debt or limitation or requirement for down payment therein provided for. The proceeds of the sale of such obligations shall be paid to the treasurer of the county special services school district and shall be paid out by him only on the warrants or orders of the board of education of the county special services school district. The treasurer shall in no event disburse such proceeds, except to pay the expense of issuing and selling such obligations and for the purpose or purposes for which such obligations were issued. If for any reason any part of such proceeds are not applied to or necessary for such purpose or purposes, the board of education of the county special services school district may transfer the balance remaining unapplied to the general fund of the school district.

21. N.J.S.18A:47-9 is amended to read as follows:

Use of moneys available for general fund expenses.

18A:47-9. Any money available for the general fund expenses of the public schools in a district in which such a special school of instruction has been established may be used for the general fund expenses of the school.

22. N.J.S.18A:48-2 is amended to read as follows:

Expenses; how paid.

18A:48-2. The expenses of the evening schools shall be paid out of money available for the general fund expenses of the schools, in the same manner and under the same restrictions as the expenses of day schools are paid.

23. N.J.S.18A:50-6 is amended to read as follows:

Surplus of moneys; disposition.

18A:50-6. Any surplus arising from the excess of receipts from donations, tuition fees or from any source other than local taxation over the actual cost of the maintenance and operation of the adult education program in any school year shall not lapse into the unreserved general fund balance of the district, but shall remain in the separate account, reserved fund balance - adult education programs, to be utilized exclusively for carrying out a program of adult education during the next ensuing school year. In the event that the adult education program in any district shall be discontinued for two consecutive school years, any funds remaining in the separate account shall lapse into the unreserved general fund balance of the district.

24. N.J.S.18A:54-28 is amended to read as follows:

Estimate by board of education of general fund expenses.

18A:54-28. On or before the fourth Tuesday in March in each year the board of education of a county vocational school district shall prepare and deliver to each member of the board of school estimate an itemized statement of the amount of money estimated to be necessary for the general fund expenses of the county vocational school district for the ensuing school year.

25. N.J.S.18A:54-31 is amended to read as follows:

Raising of moneys for lands or buildings; bond issues.

18A:54-31. Whenever a board of education of a county vocational school district shall decide that it is necessary to sell bonds to raise money for any capital project, as defined in section 18A:21-1 of this Title, it shall prepare and deliver to each member of the board of school estimate a statement of the amount of money estimated to be necessary for such purpose or purposes.

The board of school estimate shall fix and determine the necessary amount and shall make two certificates thereof, one of which certificates shall be delivered to the board of education and the other to the board of chosen freeholders of the county in which the school district is situate.

The board of chosen freeholders may appropriate and borrow such amount for the purpose or purposes aforesaid, and secure the repayment of the sum so borrowed, together with interest thereon, by the issuance of bonds or notes of the county pursuant to the local bond law, notwithstanding any debt limitation or requirement for down payment therein provided for. The proceeds of the sale of such obligations shall be paid to the treasurer of the county vocational school district and shall be paid out by him only on the warrants or orders of the board of education of the school district. The treasurer shall in no event disburse such proceeds, except to pay the expenses of issuing and selling such obligations and for the purpose or purposes for which such obligations were issued. If for any reason any part of such proceeds are not applied to or necessary for such purpose or purposes, the board of education of the county vocational school district may transfer the balance remaining unapplied to the general fund of the school district.

Repealer.

26. P.L.1988, c.151 (C.18A:22-8.4 and 8.5) is repealed.

27. This act shall take effect immediately.

Approved March 17, 1993.

CHAPTER 84

AN ACT concerning certain amounts allowable to be deferred and amending P.L.1991, c.63.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. Section 13 of P.L.1991, c.63 is amended to read as follows:

13. Any municipality that levies school taxes on a school year basis either pursuant to N.J.S.18A:22-15 and 18A:22-17 or N.J.S.18A:22-34 shall defer from the 1991 municipal purposes property tax levy at least 25% of an amount allowable to be deferred as shall be determined by the Director of the Division of Local Government Services in the Department of Community Affairs and may defer from such levy in each of the next three years the remainder of such amount in a manner as shall be determined by the director. The amounts so deferred shall be regarded as surplus and shall be used to offset the local property tax levy for local purposes.

The Director of the Division of Local Government Services in the Department of Community Affairs shall have the authority to adjust deadlines and other procedures to effectuate the purposes of this section.

2. This act shall take effect immediately.

Approved March 17, 1993.

CHAPTER 85

AN ACT providing for the licensing of occupational therapists and occupational therapy assistants and supplementing Title 45 of the Revised Statutes.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

C.45:9-37.51 Short title.

1. This act shall be known and may be cited as the "Occupational Therapy Licensing Act."

C.45:9-37.52 Findings, declarations on regulating occupational therapy services.

2. The Legislature finds and declares that it is necessary to regulate persons offering occupational therapy services to safeguard the public health, safety, and welfare and to protect the public from incompetent, unscrupulous and unauthorized persons; to assure the highest degree of professional conduct on the part of occupational therapists and occupational therapy assistants; and to guarantee the availability of occupational therapy services of high quality to persons in need of those services.

C.45:9-37.53 Definitions.

3. As used in this act:

"Council" means the Occupational Therapy Advisory Council established pursuant to section 4 of this act.

"Director" means the Director of the Division of Consumer Affairs in the Department of Law and Public Safety.

"Occupational therapist" means a person licensed to practice occupational therapy pursuant to the provisions of this act.

"Occupational therapy" means the evaluation, planning and implementation of a program of purposeful activities to develop or maintain functional skills necessary to achieve the maximal physical or mental functioning, or both, of the individual in his daily occupational performance. The tasks of daily living may be threatened or impaired by physical injury or illness, developmental deficits, sensorimotor dysfunction, psychological and social dysfunction, the aging process, poverty, or cultural deprivation. Occupational therapy utilizes task oriented activities adapted to prevent or correct physical or emotional deficits as well as to minimize the disabling effects of those deficits on the life of the individual. Occupational therapy services include the use of specific techniques which enhance functional performance and include, but are not limited to, the evaluation and assessment of an individual's self care, lifestyle performance patterns, work skills, performance related cognitive, sensory, motor, perceptual, affective, interpersonal and social functioning, vocational and prevocational capacities, the design, fabrication and application of adaptive equipment or prosthetic or orthotic devices, excluding dental devices, the administration of standardized and nonstandardized assessments, and consultation concerning the adaptation of physical environments for the handicapped. These services are provided to individuals or groups through medical, health, educational and social systems.

"Occupational therapy assistant" means a person licensed pursuant to the provisions of this act to assist in the practice of occupational therapy under the supervision of or in collaboration with an occupational therapist on a regularly scheduled basis for the purpose of the planning, review or evaluation of occupational therapy services.

"Purposeful activities" means acts and occupations of craftsmanship and workmanship, as well as creative, educational, or other activities, which in whole or in part are used to correct, compensate for or prevent dysfunction in the tasks and activities of everyday living, and which simultaneously incorporate personally and culturally relevant biological, psychological and social elements that produce positive adaptation and motivational behavior.

"Supervision" means the responsible and direct involvement of a licensed occupational therapist with an occupational therapy assistant for the development of an occupational therapy treatment plan and the periodic review of the implementation of that plan. The form and extent of the supervision shall be determined by the council.

"Task oriented activities" means purposeful activities having an explicit, observable and measurable short-term goal which contributes to the well-being of self or others.

C.45:9-37.54 Occupational Therapy Advisory Council.

4. There is established in the Division of Consumer Affairs in the Department of Law and Public Safety an Occupational Therapy Advisory Council appointed by the Governor, with the advice and consent of the Senate, which shall serve as an advisory body to the Director of the Division of Consumer Affairs. The council shall consist of seven members who are residents of the State, four of whom shall be licensed occupational therapists having at least five years of experience in occupational therapy in this State immediately preceding appointment, one of whom shall be a licensed occupational therapy assistant having at least five years of experience in occupational therapy in this State immediately preceding appointment, and two of whom shall be public members. The first occupational therapist and occupational therapy assistant members shall be qualified for licensure pursuant to the provisions of this act.

Except for those first appointed, members shall serve for a term of three years. Each member shall hold office until the appointment of his successor. A vacancy in the office of any member shall be filled for the unexpired term only. The initial appointment to the council shall be two members for terms of one year, two members for terms of two years, and three members for terms of three years. No member shall serve more than two successive terms.

The Governor may remove any council member for misconduct, incompetency or neglect of duty after providing the council member with a written statement of charges and an opportunity for a hearing thereon.

C.45:9-37.55 Oath; officers; meetings.

5. The members of the council, before entering the discharge of their duties, and within 30 days after their appointment, shall take and subscribe to an oath before an officer authorized to administer oaths in this State for the faithful performance of their duties and file the oath with the Secretary of State. The members of the council shall annually elect from their number a chairman and a vice-chairman each of whom shall hold office for one year and until a successor is elected and qualified.

Regular meetings of the council shall be held at such times and places as it prescribes and special meetings may be held upon the call of the chairman or the director. At least two regular meetings shall be held each year.

C.45:9-37.56 Provision of facilities, personnel; reimbursement for expenses.

6. The Attorney General shall provide the director with such facilities and personnel as shall be required for the proper administration of this act and may authorize reimbursement of the members of the council for their actual expenses incurred in connection with the performance of their duties as members of the council.

C.45:9-37.57 Powers of director.

7. In addition to such other powers and duties as the director may possess by law, the director shall:

a. Administer, coordinate and enforce the provisions of this act and delegate, at the director's discretion, to the council one or more of the director's powers or duties authorized pursuant to this act;

b. Evaluate the qualifications of applicants for licensure under this act as an occupational therapist or occupational therapy assistant and administer or approve in consultation with the council the examinations for licensure as an occupational therapist or occupational therapy assistant and issue a license to each qualified applicant;

c. Investigate allegations of practices violating the provisions of this act;

d. Establish standards relating to professional conduct, qualifications for professional licensure, ethical standards, and disciplinary proceedings;

e. Maintain a record of every occupational therapist and occupational therapy assistant licensed in this State, their places of business, places of residence and the date and number of their licenses;

f. Conduct hearings pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), except that the director shall have the right to administer oaths to witnesses, and shall have the power to issue subpoenas for the compulsory attendance of witnesses and the production of pertinent books, papers, or records;

g. Do any and all things which may be appropriate to achieve the objectives contemplated by this act.

C.45:9-37.58 Notification of practitioners.

8. Within 90 days of the effective date of this act, the director shall make reasonable efforts to notify all occupational therapy practitioners currently practicing in this State of the provisions of this act and the requirement for licensure under the act by sending notice to all licensed health care facilities and to appropriate trade associations.

C.45:9-37.59 Licensing required for occupational therapists.

9. a. No person shall practice occupational therapy, whether or not compensation is received or expected, or represent himself as an occupational therapist or occupational therapy assistant, unless the person holds a valid license to practice in this State.

b. Only an individual may be licensed to practice occupational therapy within the State. No firm, partnership, association or corporation may advertise or otherwise offer to provide or convey the impression that it is providing occupational therapy services unless an individual holding a current valid license pursuant to the provisions of this act shall be rendering the occupational therapy services.

C.45:9-37.60 Construction of act.

10. The provisions of this act shall not be construed to prevent the following provided that no word, letter, abbreviation, insignia, sign, card or device is used to convey the impression that the person rendering the service is a licensed occupational therapist or occupational therapy assistant:

a. Any person licensed to practice in this State under any other law from engaging in the practice for which he is licensed;

b. Any person employed as an occupational therapist or occupational therapy assistant by the federal government, if the person provides occupational therapy services solely under the direction or control of the organization by which he is employed;

c. Any person pursuing a course of study leading to a degree or certificate in occupational therapy at an accredited or approved educational program if the pursuit is part of a supervised course of study and if the person is designated by a title which clearly indicates status as a student or trainee;

d. Any person fulfilling the supervised fieldwork experience requirements of sections 11 and 12 of this act, if the activities and the services are a part of the experience necessary to meet the requirements of those sections;

e. Any person performing occupational therapy services in this State if those services are performed for no more than 60 days in a calendar year in association with an occupational therapist licensed pursuant to this act provided that the person is regulated by the laws of another state which has regulatory requirements which are equivalent to those of this State.

C.45:9-37.61 Requirements for licensure as occupational therapist.

11. To be eligible for licensure as an occupational therapist, an applicant shall fulfill the following requirements:

a. Be at least 18 years of age;

b. Be of good moral character;

c. Present evidence to the director of having successfully completed the academic requirements of an educational program in occupational therapy approved by the director, in consultation with the council, and accredited by the American Occupational Therapy Association, the World Federation of Occupational Therapy or other nationally recognized programmatic accrediting agency;

d. Submit to the director evidence of having successfully completed at least 24 weeks of supervised fieldwork experience approved by the educational institution at which the applicant completed the occupational therapy educational program; and

e. Successfully complete an examination administered or approved by the director, in consultation with the council, to determine the applicant's competence to practice occupational therapy.

C.45:9-37.62 Requirements for licensure as occupational therapy assistant.

12. To be eligible for licensure as an occupational therapy assistant, an applicant shall fulfill the following requirements:

a. Be at least 18 years of age;

b. Be of good moral character;

c. Present evidence to the director of having successfully completed the academic requirements of an educational program in occupational therapy approved by the director, in consultation with the council;

d. Submit to the director evidence of having successfully completed at least 12 weeks of supervised fieldwork experience approved by the educational institution at which the applicant completed the occupational therapy educational program; and

e. Successfully complete an examination administered or approved by the director, in consultation with the council, to determine the applicant's competence to practice occupational therapy.

C.45:9-37.63 Examinations.

13. The examinations required by sections 11 and 12 of this act shall test the applicant's knowledge of basic and clinical sciences as they relate to occupational therapy, occupational therapy techniques and methods, and any other subjects the director, in consultation with the council, may require to determine the applicant's fitness to practice occupational therapy. Examinations shall be held within the State at least twice a year at a time and place to be determined by the director, in consultation with the council. The director shall give adequate written notice of the examination to applicants for licensure and examination. An applicant who fails an examination may apply for re-examination upon payment of the prescribed fee.

C.45:9-37.64 Issuance of license.

14. a. The director, in consultation with the council, shall issue a license to any applicant who has satisfactorily met all the requirements of this act. No license shall be issued to an applicant if the applicant has: (1) committed any act which if committed by a licensee would be grounds for suspension or revocation; or (2) misrepresented any material fact on the applicant's application.

b. Except in the case of a temporary license issued pursuant to section 17 of this act, all licenses shall be issued for a two-year period upon the payment of the licensing fee prescribed by the director, and shall be renewed upon the filing of a renewal application and the payment of a licensing renewal fee. The director may provide for the late renewal of a license upon the payment of a late fee in accordance with rules and regulations, but no late renewal of a license may be granted more than five years after its expiration.

c. A practitioner whose license is suspended or revoked or whose surrender of license with or without prejudice has been accepted by the director or the council shall promptly deliver the original license and current biennial registration to the council.

C.45:9-37.65 Licensing without examination.

15. For one year following the date procedures for licensure are established by the council, any person who is practicing or residing in this State shall be licensed by the director without examination upon completion of a licensing application and the payment of the appropriate fee if the applicant is certified or registered prior to the effective date of this act by a nationally recognized professional association of occupational therapists approved by the director, except that no license shall be issued to an applicant if the applicant has: a. committed any act which if committed by a licensee would be grounds for suspension or revocation; or b. misrepresented any material fact on the applicant's application. The director may waive the examination for licensure under this act and grant a license to any person who is certified or registered after the effective date of this act by a nationally recognized professional association of occupational therapists approved by the director, if the director, in consultation with the council, determines the requirements for certification or registration are substantially equivalent to the requirements for licensure.

C.45:9-37.66 Waiving of examination.

16. Upon payment to the director of a fee and the submission of a written application on forms provided by the director, the director may waive the examination and grant a license to any applicant who presents proof of current licensure as an occupational therapist or occupational therapy assistant in another state or territory of the United States or the District of Columbia which has standards substantially equivalent to those of this State as determined by the director, in consultation with the council.

C.45:9-37.67 Issuance of temporary license.

17. Upon payment to the director of a fee and the submission of a written application on forms provided by the director, the director shall issue a temporary license to a person who has applied for licensure pursuant to this act and who, in the judgment of the director, in consultation with the council, is eligible for licensure pursuant to section 11 or section 12 of this act. A temporary license shall be available to an applicant with his initial application for examination and he may practice only under the direct supervision of a licensed occupational therapist. A temporary license shall expire automatically upon the holder being notified

of failure of the licensure examination. The temporary license may be renewed for an additional period until the results of the next licensure examination at which time it shall automatically expire and be surrendered to the director.

C.45:9-37.68 Inactive license status.

18. The director may grant inactive license status to a licensee who: a. is not actively practicing as an occupational therapist or an occupational therapy assistant; b. does not represent himself as an occupational therapist or an occupational therapy assistant; and c. completes any continuing education requirements which may be established by the director, in consultation with the council.

C.45:9-37.69 Examination of foreign trained applicants.

19. A foreign trained occupational therapist or occupational therapy assistant shall satisfy the examination requirements of this act. Prior to taking the examination, the director shall require a foreign trained applicant to furnish proof of good moral character and the completion of educational and supervised fieldwork requirements substantially equivalent to those of this State.

C.45:9-37.70 Fees.

20. The director, in consultation with the council, shall by rule or regulation establish, prescribe or change the fees for licenses, renewals of licenses or other services. Licenses shall be renewed on a biennial basis and shall be renewed upon payment to the director of a renewal fee accompanied by a renewal application on a form prescribed by the director.

The revenue generated from these fees shall not exceed the operating costs of the director and the council required for the implementation of this act.

C.45:9-37.71 Fees, civil penalties deposited in General Fund.

21. All fees and any civil penalties imposed by the director shall be forwarded to the State Treasurer and shall be deposited in the General Fund. All expenditures deemed necessary to carry out the provisions of this act shall be paid by the State Treasurer from the funds collected and forwarded by the director subject to, and within the limits of, appropriations made pursuant to law, but expenditures shall not exceed revenues from the operation of this act during any fiscal year.

C.45:9-37.72 Restoration of license.

22. The director, in consultation with the council, may restore a license after one year from the date of its revocation. The director shall hold a hearing to consider any application for reinstatement.

C.45:9-37.73 Applicability of uniform enforcement law.

23. The provisions of the uniform enforcement law, P.L.1978, c.73 (C.45:1-14 et seq.) shall apply to this act and the director shall be deemed to have all authority granted to any board under that act. The authority of the director may be delegated to the council at the discretion of the director.

If any person practices without a valid license or holds himself out as being able to practice occupational therapy in violation of section 9 of this act, each day during which the violation continues shall constitute an additional and separate and distinct offense for the purposes of this section.

C.45:9-37.74 Inapplicability of act.

24. Nothing in this act shall authorize: the diagnosis of disease or the practice of medicine and surgery by any person not licensed to do so pursuant to chapter 9 of Title 45 of the Revised Statutes; the practice of psychology by a person not licensed to do so pursuant to the "Practicing Psychology Licensing Act," P.L.1966, c.282 (C.45:14B-1 et seq.); the practice of chiropractic by a person not licensed to do so pursuant to the "Chiropractic Board Act," P.L.1989, c.153 (C.45:9-41.17 et al.); the practice of nursing by a person not licensed to do so pursuant to the provisions of P.L.1947, c.262 (C.45:11-23 et seq.); or the practice of physical therapy by a person not licensed to do so pursuant to the "Physical Therapist Licensing Act of 1983," P.L.1983, c.296 (C.45:9-37.11 et seq.) except the practice of occupational therapy as defined in section 3 of this act.

C.45:9-37.75 Regulations.

25. The director, in consultation with the council, shall adopt, amend or repeal regulations pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.) necessary to effectuate the purposes of this act.

26. This act shall take effect immediately, except that section 9 shall remain inoperative for 180 days following enactment.

Approved March 18, 1993.

CHAPTER 86

AN ACT to validate certain proceedings for the issuance of bonds of school districts and any bonds or other obligations issued or to be issued pursuant to such proceedings.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. All proceedings heretofore had or taken by any school district or at any school election for the authorization or issuance of bonds of the school district and any bonds or other obligations of the school district issued or to be issued in pursuance of any proposal adopted by the legal voters at such meeting or election, are hereby ratified, validated and confirmed, notwithstanding that a supplemental debt statement was not prepared and filed as required by the provisions of N.J.S.18A:24-17; provided that a supplemental debt statement heretofore has been prepared and filed in the places required by N.J.S.18A:24-17; and notwithstanding that the notice of election was not published in accordance with the provisions of N.J.S.18A:14-19; provided that notices of the election were published and posted prior to the election; and notwithstanding that the notices to persons desiring military service and civilian absentee ballots were not published in accordance with the time provisions of N.J.S.18A:14-25; provided that no action, suit, or other proceeding of any nature to contest the validity of such proceedings has heretofore been instituted prior to the date upon which this act shall take effect and within the time fixed therefor by or pursuant to law or rule of court, or when such time has not heretofore expired, if instituted within 15 days after the effective date of this act.

2. This act shall take effect immediately.

Approved March 19, 1993.

CHAPTER 87

AN ACT concerning county chief financial officers, and supplementing chapter 9 of Title 40A of the New Jersey Statues and amending N.J.S.40A:5-2.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

C.40A:9-28.1 Definitions.

1. As used in this act:

"Chief financial officer" means the official appointed to be responsible for the proper financial administration of the county under the "Local Bond Law," N.J.S.40A:2-1 et seq.; the "Local Budget Law," N.J.S.40A:4-1 et seq.; the "Local Fiscal Affairs Law," N.J.S.40A:5-1 et seq.; the "Local Public Contracts Law," P.L.1971, c.198 (C.40A:11-1 et seq.) and such other statutes, and such rules and regulations promulgated by the Director of the Division of Local Government Services, the Local Finance Board, or any other State agency, as may pertain to the financial administration of the county.

"County finance officer" means a county director of finance, assistant director of finance, fiscal officer, comptroller, assistant comptroller, treasurer, assistant treasurer, deputy treasurer, or other position involved in day to day conduct of fiscal operations of a county government who is not a member of the governing body of a county.

"Director" means the Director of the Division of Local Government Services in the Department of Community Affairs.

C.40A:9-28.2 Annual examinations; certificates; fees.

2. a. The director shall hold examinations annually, and at such times as he may determine appropriate for certification of county finance officers. An applicant for examination shall present to the director written application on forms provided by the Division of Local Government Services, showing that the applicant holds a certified municipal finance officer certificate issued by the Division of Local Government Services pursuant to P.L.1971, c.413 (C.40A:9-140.1 et seq.), or:

(1) is not less than 21 years of age;

(2) is a citizen of the United States;

(3) is of good moral character;

(4) has obtained a certificate or diploma issued after at least four years of study in an approved secondary school or has received an academic education considered and accepted by the Commissioner of Education of this State as fully equivalent;

(5) has graduated from a four-year course at a college of recognized standing with a major course of study in business administration, accounting or equivalent subject; and

(6) has two years of experience as a county finance officer.

b. An applicant who does not possess the college degree required under subsection a. of this section may qualify to take the examination by furnishing proof of four years of full-time experience in a position in a county government as a county finance officer. An applicant who does not possess four years of full-time experience in such a position may substitute one year of college education for one year of experience, up to a maximum of two years of college education. For the purpose of this section, one full year of college education is equal to 30 college credits.

c. Every applicant shall furnish proof that he has received certificates indicating satisfactory completion of complete training in the following courses:

(1) municipal finance administration;
(2) municipal current fund accounting I;
(3) municipal current fund accounting II;
(4) municipal capital and trust fund accounting;
(5) municipal budget preparation and control;
(6) county fiscal operations;
(7) principles of financial management; and
(8) preparation of annual financial statements;

all as provided by the Division of Local Government Services or Rutgers, The State University, with the approval of the Division of Local Government Services.

d. Each completed application form shall be accompanied by a fee in the amount of $50, payable to the State Treasurer and shall be filed with the director at least 30 days prior to the date of examination. Examinations shall be written, or both written and oral, and shall be of such character as fairly to test and determine the ability of the person tested to perform the duties of chief financial officer.

e. Upon finding by the director that the applicant has successfully completed the examination, a county finance officer certificate shall be issued to the applicant, upon the payment of a fee of $50 to the order of the Treasurer of the State of New Jersey.

f. Notwithstanding the qualifications established in this section, a county finance officer certificate shall be issued to any person who shall make application as required in this section, pay a fee of $50 to the order of the Treasurer of the State of New Jersey, and:

(1) is licensed as a registered municipal accountant in the State of New Jersey and who shall furnish proof that he has received a certificate indicating satisfactory completion or instruction of training courses in principles of financial management, and county fiscal operations, as described herein; or

(2) is a certified municipal finance officer in the State of New Jersey and within one year of the date of enactment of P.L.1993, c.87 (C.40A:9-28.1 et al.) furnishes proof that he has five years of experience as a county finance officer; or

(3) is a certified municipal finance officer in the State of New Jersey and furnishes evidence that he successfully took and passed the examination for such certification as provided under section 2 of P.L.1971, c.413 (C.40A:9-140.2) and that he has received a certificate indicating satisfactory completion of training courses in preparation of annual financial statements, and county fiscal operations as described herein; or

(4) who has been serving as a county finance officer for five years, and who shall make application as required in this section within six months of the effective date of this act, and who shall furnish proof of service as described herein; however, the certificate shall be marked as restricted to the county employing the county finance officer. A county finance officer holding a restricted certificate shall then be subject to all provisions affecting other certificate holders under this act, including, but not limited to renewal and continuing education.

C.40A:9-28.3 Renewal of certificates; fee; continuing education.

3. a. Commencing July 1, 1995, all county finance officer certificates shall be renewed upon application, payment of the required fee of $50 and verification that the applicant has met continuing education requirements, all as set forth in this section. Each renewal shall be for a period of two years. The renewal date shall be 30 days prior to the expiration date.

b. Each applicant for renewal of a county finance officer certificate, on a form prescribed by the director, shall furnish proof of having earned at least 3.0 continuing education units in subject areas and minimum contact hours as prescribed by the director. For the purposes of this section, 1.0 continuing education unit equals 10 contact hours. Upon verification of this requirement and upon payment of a fee of $50 to the order of the Treasurer of the State of New Jersey, the director shall renew the county finance officer certificate.

c. When the holder of a county finance officer certificate has allowed the certificate to lapse by failing to renew the certificate, a new application and certificate shall be required. If application is made within six months of the expiration of the certificate, then application may be made in the same manner as a renewal.

C.40A:9-28.4 Appointment of chief financial officer.

4. a. Notwithstanding the provisions of any law to the contrary, in every county there shall be a chief financial officer appointed in the same manner as department directors in accordance with the

county's form of government. The term of office shall be three years, which shall run from January 1 in the year in which the chief financial officer is appointed. The compensation for the chief financial officer shall be set forth in a county salary resolution.

b. No person shall serve as the chief financial officer of any county in which he serves as a member of the governing body.

c. Commencing July 1, 1996, no person shall be appointed or reappointed as a chief financial officer unless he holds a county finance officer certificate issued pursuant to section 2 of this act.

d. When a vacancy occurs in the office of chief financial officer following the appointment of a certified county finance officer to that office, the governing body or chief executive officer, as appropriate, may appoint, for a period not to exceed one year and commencing on the date of the vacancy, a person who does not hold a county finance officer certificate to serve as a temporary chief financial officer. Any person so appointed, with the approval of the director, may be reappointed as chief financial officer following the termination of the temporary appointment for one additional year. No county shall have a temporary chief financial officer for more than two consecutive years.

e. If a governing body fails or refuses to comply with this section, and has received an order from the director to do so, the members of a governing body who willfully fail or refuse to comply each shall be subject to a personal penalty of $25 for each day after the date fixed for final action that the failure or refusal to comply continues. The amount of the penalty may be recovered by the director in the name of the State as a personal debt of the member of the governing body and upon receipt shall be paid into the State Treasury.

C.40A:9-28.5 Interim officers appointed by director.

5. A county finance officer certificate may be issued without fee by the director to any employee of the Division of Local Government Services for the sole purpose of enabling that employee to serve as a chief financial officer on an interim basis in any county when so instructed by the director.

When an employee of the director is instructed to serve as a chief financial officer for a county on an interim basis, the director may establish a fee for the service based upon the time spent and other expenses for the work. The county, upon request for payment for chief financial officer services, shall forward a check to the director, payable to the State Treasurer. The amount, if not paid when billed, shall be recoverable in an action at law.

C.40A:9-28.6 Revocation, suspension of certificate.

6. Any county finance officer certificate may be revoked or suspended by the director for dishonest practices or willful or intentional failure, neglect or refusal to comply with the Constitution of the State of New Jersey or laws relating to county finances or other good cause. The governing body together with the appropriate chief executive officer of any county may request a review by the director of the behavior or practices of a certified county finance officer. The director may also initiate a review of the behavior or practices of a certified county finance officer if he finds it advisable to do so through the normal exercise of his statutory duties and responsibilities. No certificate shall be revoked or suspended except under a proper hearing before the director or his designee after due notice. If the county finance officer certificate of a person serving as a chief financial officer or county finance officer shall be revoked, that person shall be removed from his office or position by the director, the office or position shall be declared vacant, and that person shall not be eligible to hold the office or position or to make application for recertification for a period of five years from the date of revocation.

C.40A:9-28.7 Regulations, forms, procedures.

7. The director is authorized to adopt, in accordance with the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), such regulations, forms and procedures as may be necessary to carry out the terms of this act.

8. N.J.S.40A:5-2 is amended to read as follows:

Definitions.

40A:5-2. As used in this chapter and any act amendatory to and supplementary thereto unless the context indicates otherwise:

"local unit" means any county, municipality, special district or any public body corporate and politic created or established under any law of this State by or on behalf of any one or more counties or municipalities, or any board, commission, department or agency of any of the foregoing having custody of funds, but shall not include a school district;

"governing body" means the governing body of a county or the commission, council, board or body having control of the finances of a municipality or any other local unit as defined herein;

"chief financial officer" means, except in the case of a municipality, the director of revenue and finance, comptroller, treasurer, collector or other financial officer of a local unit. In the case of a municipality, the chief financial officer means the person appointed pursuant to section 5 of P.L.1988, c.110 (C.40A:9-140.10); in the case of a county, the chief financial officer means the person appointed pursuant to section 4 of P.L.1993, c.87 (C.40A:9-28.4);

"chief executive officer" means the county executive, county manager, county supervisor or president of the board of chosen freeholders, as appropriate to the form of government of a county, or the mayor, manager or commissioner, as appropriate to the form of government of a municipality, or the chairman, president, director or other chief executive officer of any other local unit;

"warrant" means the draft or check of any local unit used in warranting disbursement of moneys and shall, in every instance, be evidenced by the issuance of a check of the local unit. In no instance shall it be necessary for the local unit to refer to, or issue, a check separate and distinct from the warrant;

"check" means the instrument by which moneys of any local unit are disbursed.

9. This act shall take effect immediately.

Approved March 19, 1993.

CHAPTER 88

AN ACT concerning costs in arbitration proceedings and amending P.L.1983, c.358 and P.L.1987, c.329.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. Section 9 of P.L.1983, c.358 (C.39:6A-32) is amended to read as follows:

C.39:6A-32 Trial de novo; fee.

9. Except in the case of an arbitration decision vacated by the court or offers of judgment made pursuant to court rules, the party petitioning the court for a trial de novo shall pay to the court a trial de novo fee in an amount established pursuant to the

Rules of Court, which shall be utilized by the judiciary to pay the costs of arbitration including the fees of the arbitrators.

2. Section 8 of P.L.1987, c.329 (C.2A:23A-27) is amended to read as follows:

C.2A:23A-27 Payment of fees.

8. Except in the case of an arbitration decision vacated by the court or offers of judgment made pursuant to court rules, the party petitioning the court for a trial de novo shall pay to the court a trial de novo fee in an amount established pursuant to the Rules of Court, which shall be utilized by the judiciary to pay the costs of arbitration including the fees of the arbitrators.

3. This act shall take effect immediately.

Approved March 19, 1993.

CHAPTER 89

AN ACT concerning violations of air pollution control permits and supplementing P.L.1954, c.212 (C.26:2C-1 et seq.).

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

C.26:2C-19.1 Findings, declaration.

1. The Legislature finds that equipment in facilities regulated by the "Air Pollution Control Act (1954)," P.L.1954, c.212, may malfunction or fail to perform optimally, even when carefully maintained and operated; that violations of the act may occur due to an unforeseeable and unavoidable malfunction, during equipment start-up or shut-down, or during necessary equipment maintenance due to the inherently intricate nature of mechanical equipment; and that these violations should not be accorded penalties as long as any resulting air emission causes no potential threat to the public health, welfare or the environment. The Legislature therefore finds and declares that it is the policy of this State to protect the public health, welfare and the environment, to promote the careful operation and maintenance of equipment in facilities regulated by the "Air Pollution Control Act (1954)," and to reduce the

unnecessary burden of monetary penalties for violations caused by a non-recurring equipment malfunction, equipment start-up, or equipment shut-down or during necessary equipment maintenance by providing an affirmative defense to liability for penalties when a facility is operated and maintained carefully, when all reasonable steps are taken to minimize emission levels caused by a violation, and when the emissions do not cause a potential threat to the public health, welfare or the environment.

C.26:2C-19.2 Entitlement to affirmative defense.

2. a. A person shall be entitled to an affirmative defense to liability for penalties for a violation of a condition, emission rate, limit, or standard, required pursuant to a permit issued pursuant to P.L.1954, c.212 (C.26:2C-1 et seq.) or a violation of any rule or regulation adopted pursuant to P.L.1954, c.212, when the violation occurs as a result of an equipment malfunction, an equipment start-up, or an equipment shut-down, or during the performance of necessary equipment maintenance. A person shall be entitled to this affirmative defense only if the person complies with the provisions of subsection b. of this section.

b. A person asserting an affirmative defense pursuant to subsection a. of this section shall notify the department of the violation by 5:00 p.m. of the second full calendar day following the occurrence, or if due diligence was exercised to discover the violation, by 5:00 p.m. of the second full calendar day after becoming aware of the occurrence, and, within 30 days thereof, shall submit written documentation on the circumstances of the violation and demonstrating as applicable, that:

(1) the violation occurred, and was caused by an equipment malfunction, an equipment start-up, or an equipment shut-down, or during the performance of necessary equipment maintenance, as applicable;

(2) the facility was being operated with due care;

(3) the violation did not result from operator error or failure to maintain the equipment with due care;

(4) the person has taken all reasonable steps to minimize levels of emissions caused by the violation; and

(5) with respect to violations caused by a malfunction, the malfunction is not a part of a recurrent pattern.

C.26:2C-19.3 No entitlement to affirmative defense.

3. A person shall not be entitled to an affirmative defense to liability pursuant to section 2 of P.L.1993, c.89 (C.26:2C-19.2) for any violation that causes the presence in the outdoor atmo-

sphere of one or more air contaminants in a quantity or concentration which poses a potential threat to public health, welfare or the environment.

C.26:2C-19.4 Construction of act.

4. Nothing in P.L.1993, c.89 (C.26:2C-19.1 et seq.) shall be construed to limit or alter the responsibility of a person who causes a release of air contaminants to notify the department immediately as required pursuant to subsection e. of section 19 of P.L.1954, c.212 (C.26:2C-19).

C.26:2C-19.5 Rules, regulations; unavailability of affirmative defense.

5. a. The department shall adopt, pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), rules and regulations that establish limitations upon the maximum frequency and duration of violations resulting from equipment malfunctions, equipment start-ups, equipment shut-downs, and the performance of necessary equipment maintenance operations for which an affirmative defense may be asserted pursuant to section 2 of P.L.1993, c.89 (C.26:2C-19.2). The limitations shall be based upon the operating history of similar sources on an industry basis.

b. The affirmative defense established pursuant to section 2 of P.L.1993, c.89 (C.26:2C-19.2), shall not be available with respect to violations arising from equipment malfunctions, equipment start-ups, or equipment shut-downs, or during necessary equipment maintenance operations, that occur more frequently or persist for a longer duration than the maximum limitations established pursuant to subsection a. of this section.

6. This act shall take effect immediately.

Approved March 23, 1993.

CHAPTER 90

AN ACT concerning the licensure of certain persons to practice chiropractic and amending P.L.1953, c.233.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. Section 13 of P.L.1953, c.233 (C.45:9-41.10) is amended to read as follows:

C.45:9-41.10 Application for reciprocal license, fee.

13. Any applicant for a license to practice chiropractic under section 10 of P.L.1953, c.233 (C.45:9-41.7) upon proving that he has been examined and licensed to practice chiropractic by the examining and licensing board of another state of the United States having requirements for examination and licensure equivalent to those required under section 8 of P.L.1953, c.233 (C.45:9-41.5), or upon certification by the National Board of Chiropractic Examiners, may, in the discretion of the State Board of Chiropractic Examiners, be granted a license to practice chiropractic without further examination upon payment to the treasurer of the State Board of Chiropractic Examiners of a license fee prescribed by the board; provided, such applicant shall furnish proof that he fulfills the requirements demanded in the other sections of P.L.1953, c.233 (C.45:9-41.5 et al.) relating to applicants for admission by examination. Notwithstanding the foregoing, an applicant who otherwise qualifies pursuant to this section and has five years of experience in treating patients in the practice of chiropractic as a licensed chiropractor in good standing in another state or states, shall not be required to fulfill the requirements of section 10 of P.L.1953, c.233 (C.45:9-41.7) concerning the completion of certain studies in a school or college of arts and sciences prior to commencing or during study in an approved school of chiropractic, but shall be required to pass an examination leading to the granting of a license to practice chiropractic in New Jersey. In any such application for a license without examination all questions of academic requirements of other states shall be determined by the Commissioner of Education of this State.

2. This act shall take effect immediately.

Approved March 24, 1993.

CHAPTER 91

AN ACT concerning the records of hours worked by certain executive, administrative and professional employees and amending P.L.1966, c.113.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. Section 21 of P.L.1966, c.113 (C.34:11-56a20) is amended to read as follows:

C.34:11-56a20 Records of wages and hours.

21. Every employer of employees subject to this act shall keep a true and accurate record of the hours worked by each and the wages paid by him to each and shall furnish to the commissioner or the director or their authorized representative upon demand a sworn statement of the same. Such records shall be open to inspection by the commissioner or the director or their authorized representative at any reasonable time. No employer shall be found guilty of violating this provision for failure to keep a true and accurate record of the hours worked by outside salesmen, buyers of poultry, eggs, cream, milk or other perishable commodities in their natural or raw state, homeworkers legally employed in accordance with the laws of this State or any person employed in a bona fide executive, administrative or professional capacity, except that no exemption from record keeping pursuant to this section in regard to any person employed in a bona fide executive, administrative or professional capacity shall be construed to permit an employer to pay wages at a rate which violates the provisions of section 5 of P.L.1966, c.113 (C.34:11-56a4).

2. This act shall take effect immediately.

Approved March 24, 1993.

CHAPTER 92

AN ACT to authorize the township of North Hanover in the county of Burlington to make permanent the appointment of William J. Thompson to the police department of North Hanover Township.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. Pursuant to the provisions of P.L.1948, c.199 (C.1:6-10 et seq.), under which a petition for a special law has been filed with the Legislature, the township of North Hanover in the county of Burlington is authorized to make permanent the appointment of William J. Thompson as a full-time police officer, notwithstanding that his age is greater than the maximum age for appointment thereto set forth in N.J.S.40A:14-127.

2. This act shall take effect upon due adoption of an ordinance of the township of North Hanover for the purpose of adopting it.

Approved March 25, 1993.

CHAPTER 93

AN ACT authorizing the City of Perth Amboy in the county of Middlesex to make permanent the appointment of Richard Leonard to the fire department of the City of Perth Amboy, altering certain notice requirements and amending P.L.1948, c.199.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. Pursuant to the provisions of P.L.1948, c.199 (C.1:6-10 et seq.), under which a petition for a special law has been filed with the Legislature, the City of Perth Amboy in the county of Middlesex is authorized to make permanent the appointment of Richard Leonard to the fire department of the City of Perth Amboy, notwithstanding that his age is greater than the maximum age for appointment thereto set forth in N.J.S.40A:14-12.

2. The Board of Trustees of the Police and Firemen's Retirement System of New Jersey shall accept as a member of the retirement system any person otherwise eligible for membership, appointed pursuant to this act; provided there is paid into the retirement system, in a manner which the board shall prescribe, the contribution deemed due and payable from the date of original appointment.

3. Section 1 of P.L.1948, c.199 (C.1:6-10) is amended to read as follows:

C.1:6-10 Petition for passage of private, special local law.

1. The governing body of any municipal corporation formed for local government, hereinafter called a municipality, or the board of chosen freeholders of any county, may petition the Legislature for the passage of a private, special or local law regulating the internal affairs of the municipality or county, when authorized so to do by ordinance of the municipality, or by resolution of the board of chosen freeholders of the county, as the case may be, specifying the general nature of the law sought to be passed, duly adopted, after publication and opportunity afforded for public hearing upon not less than seven days' notice duly published.

4. Sections 1 and 2 of this act shall take effect upon due adoption of an ordinance of the City of Perth Amboy for the purpose of adopting them, and section 3 shall take effect immediately and be retroactive to September 1, 1991.

Approved March 25, 1993.

CHAPTER 94

AN ACT authorizing the City of Lambertville in the county of Hunterdon to make permanent the appointment of Kenneth Robert Housman to the police department of the City of Lambertville.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. Pursuant to the provisions of P.L.1948, c.199 (C.1:6-10 et seq.), under which a petition for a special law has been filed with the Legislature, the City of Lambertville in the county of Hunterdon is authorized to make permanent the appointment of Kenneth Robert Housman to the police department of the City of Lambertville, notwithstanding that his age is greater than the maximum age for appointment thereto set forth in N.J.S.40A:14-127.

2. This act shall take effect upon due adoption of an ordinance of the City of Lambertville for the purpose of adopting it.

Approved March 25, 1993.

CHAPTER 95

AN ACT concerning certain rangers.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. Notwithstanding any law, rule or regulation to the contrary, any person who has been employed in the title of Ranger in the unclassified service for at least 19 years shall be reassigned within 90 days after the effective date of this act to the competitive division of the career service, shall continue to hold that position without having to pass an examination, and shall have career service status. The service credit of a Ranger so reassigned shall be applied to his career service status.

2. This act shall take effect immediately and shall expire 91 days thereafter.

Approved March 25, 1993.

CHAPTER 96

AN ACT concerning energy assistance programs and appropriating moneys from the Petroleum Overcharge Reimbursement Fund.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. There is appropriated to the Department of Human Services from the moneys in the Petroleum Overcharge Reimbursement Fund established pursuant to P.L.1987, c.231 (C.52:18A-209 et seq.), the sum of $9,000,000 to supplement federal funds available for the Low Income Home Energy Assistance Program.

2. The Commissioner of Human Services shall issue guidelines concerning the eligibility for available funds and procedures for the distribution of funds, and may adopt, pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et

seq.), any rules and regulations necessary to implement the provisions of this act.

3. This act shall take effect immediately.

Approved March 29, 1993.

CHAPTER 97

AN ACT concerning rebates from pharmaceutical manufacturers, amending P.L.1992, c.83 and repealing section 5 of P.L.1992, c.83.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. Section 2 of P.L.1992, c.83 (C.30:4D-35.2) is amended to read as follows:

C.30:4D-35.2 Coverage limited to manufacturers providing rebates.

2. a. The "Pharmaceutical Assistance to the Aged and Disabled" program established pursuant to P.L.1975, c.194 (C.30:4D-20 et seq.) shall limit the coverage of pharmaceutical products to manufacturers who agree to provide rebates to the State.

b. Except for those manufacturers whose pharmaceutical products are not covered under the program pursuant to this section, the program shall not restrict access to manufacturers' pharmaceutical products by means of prior authorization requirements or any other restricting mechanism.

c. The Commissioner of Human Services shall contract with manufacturers of pharmaceutical products to provide rebates for pharmaceutical products covered under the "Pharmaceutical Assistance to the Aged and Disabled" program on the same basis as is required pursuant to 42 U.S.C.§1396r-8, except that 42 U.S.C.§1396r-8(c)(2) shall not apply to the provisions of this act.

d. The rebate agreements entered into pursuant to this act shall take effect on July 1, 1992 and shall be retroactive to that date if entered into after July 1, 1992.

(1) A manufacturer of pharmaceutical products who is participating in the "Pharmaceutical Assistance to the Aged and

Disabled" program on the effective date of P.L.1992, c.83 (C.30:4D-35.1 et seq.) or begins participating during the period between the effective date of P.L.1992, c.83 and the date that the Commissioner of Human Services issues the initial rebate agreement for signature, shall enter into a rebate agreement with the commissioner within 30 days after the date the commissioner issues the initial rebate agreement for signature to continue its participation in the program pursuant to the provisions of P.L.1992, c.83. A participating manufacturer who does not enter into a rebate agreement shall not be eligible to participate in the "Pharmaceutical Assistance to the Aged and Disabled" program after the 60th day after the date the commissioner issues the initial rebate agreement for signature.

(2) Notwithstanding the provisions of paragraph (1) of this subsection to the contrary, if a manufacturer of pharmaceutical products who was participating in the "Pharmaceutical Assistance to the Aged and Disabled" program on the effective date of P.L.1992, c.83 or began participating during the period between the effective date of P.L.1992, c.83 and the date the commissioner issues the initial rebate agreement for signature, and enters into a rebate agreement with the commissioner after the 30th day after the commissioner issues the initial rebate agreement for signature and prior to July 1, 1994, the manufacturer shall be required to pay the rebate for any pharmaceutical products purchased by the program on or after July 1, 1992, or the date the manufacturer began participating in the program, whichever date is later, through the 60-day period after the date the commissioner issued the initial rebate agreement for signature. Coverage of the manufacturer's pharmaceutical products by the program shall resume 30 days after the manufacturer enters into a rebate agreement.

(3) A manufacturer of pharmaceutical products who was not participating in the "Pharmaceutical Assistance to the Aged and Disabled" program on the date the commissioner issued the initial rebate agreement for signature to manufacturers of pharmaceutical products who are participating in the program, may enter into a rebate agreement with the commissioner and become a participating manufacturer. The rebate agreement shall take effect on the 30th day after the manufacturer enters into the rebate agreement.

e. A manufacturer of pharmaceutical products which participates in the "Pharmaceutical Assistance to the Aged and Disabled" program pursuant to P.L.1992, c.83 shall provide to the

Commissioner of Human Services such information as he may request to carry out the purposes of P.L.1992, c.83.

f. Any rebate agreement entered into between the Department of Human Services and a manufacturer of pharmaceutical products prior to the effective date of P.L.1992, c.83 shall remain in effect and be considered a rebate agreement in compliance with P.L.1992, c.83 until the date of expiration of the agreement or March 31, 1993, whichever date occurs sooner, or until either party terminates the agreement.

2. Section 6 of P.L.1992, c.83 is amended to read as follows:

6. This act shall take effect immediately and shall expire on June 30, 1994.

Repealer.

3. Section 5 of P.L.1992, c.83 (C.30:4D-35.5) is repealed.

4. This act shall take effect immediately.

Approved March 29, 1993.

CHAPTER 98

AN ACT concerning family support and supplementing Title 30 of the Revised Statutes.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

C.30:6D-33 Short title.

1. This act shall be known and may be cited as the "Family Support Act."

C.30:6D-34 Findings, declarations.

2. The Legislature finds and declares that:

a. It is in the best interest of the State of New Jersey to preserve, strengthen and maintain the family unit. All individuals, regardless of disability, have the right to belong to a family unit where enduring relationships can be fostered.

b. Families are the major providers of support, care, training and other services for their family member with a developmental disability living at home. Consequently, families are continually searching for ways to support family members with developmental disabilities in their homes instead of placing these individuals in a State or private institution.

c. Many families with a family member with a developmental disability experience exceptionally high financial outlays and extraordinary physical and emotional challenges, isolation, stigmatization and daily stress. Supporting families in their effort to care for their family member with a developmental disability at home is efficient, cost effective and humane; failure to provide needed supports can result in premature placement of the family member in a setting outside the home.

d. To be effective, family supports must support the entire family, must be easily accessible, flexible, culturally sensitive and individualized. They must be designed to promote interdependence, independence, productivity and integration of people with disabilities into the community. Family supports must also be built on existing social networks and naturally occurring supports including extended families, neighbors and community associations.

e. A Statewide family support policy must acknowledge that families themselves are able to define their own needs and select their own services; family supports must be chosen by families, controlled by families and monitored by families.

f. Adults with disabilities should be afforded the opportunity to make decisions for themselves, live in typical homes and communities and exercise their full rights as citizens. Adults with disabilities should have options for living separately from their families, but when this is not the case, families should be provided the supports they need.

C.30:6D-35 Definitions.

3. For the purposes of this act:

"Department" means the Department of Human Services.

"Family member with a developmental disability" means a person who has a developmental disability as defined pursuant to section 3 of the "Division of Developmental Disabilities Act," P.L.1985, c.145 (C.30:6D-25).

"Family" means the family member with a developmental disability and his parents and siblings, or spouse and children.

"Family support services" means a coordinated system of ongoing public and private support services which are designed to maintain and enhance the quality of life of a family member with a developmental disability and his family as set forth in section 4 of this act.

"Parent" means the biological or adoptive parent or uncompensated foster parent or legal guardian who cares for the family member with a developmental disability and with whom the family member with a developmental disability resides.

"System" means the Family Support System established pursuant to section 4 of this act.

C.30:6D-36 Family Support System.

4. a. There is established in the Division of Developmental Disabilities in the Department of Human Services a Family Support System to create flexible supports designed to strengthen and promote families who provide care within the family home for a family member with a developmental disability.

b. The Statewide system shall include, but not be limited to the following services: after school care; cash subsidies; communication and interpreter services; counseling services; crisis intervention; day care; equipment and supplies; estate and transition planning; home and vehicle modification; home health services; homemaker assistance; housing assistance; medical and dental care not otherwise covered; parent education and training; personal assistance services; recreation services; respite care for families; self advocacy training; service coordination; specialized diagnosis and evaluation; specialized nutrition and clothing; therapeutic or nursing services; transportation; voucher services; and other services as identified by the family.

c. A family is eligible to participate in the system if the family resides in the State; the family member has a developmental disability and is eligible for services from the Division of Developmental Disabilities; and the family meets the income, need and other criteria established by the Commissioner of Human Services. The commissioner shall establish income, need and other criteria to ensure that the expenditures for the system are within the limits of the funds available for the purposes of this act.

d. A family may either receive services from an agency under contract with the department or may exchange a voucher for services of its choice.

C.30:6D-37 Administration of system.

5. a. The system shall be administered by the Division of Developmental Disabilities in the department, in conjunction with a coordinator working under the direction of the Developmental Disabilities Council who shall be a person qualified by training and experience to perform the duties of his office.

b. The coordinator shall, with input from the family support planning councils established pursuant to section 6 of this act, adopt, review and revise, as needed, a State Family Support Plan which shall:

(1) assess needs, establish goals and set priorities for the provision of family support services for individuals with developmental disabilities; and

(2) provide for outreach and coordinated delivery of family support services.

c. The coordinator shall coordinate efforts by public and private agencies and family support planning councils. Coordination shall include, but not be limited to, identification of services provided by different agencies to avoid duplication; planning with all agencies to insure that gaps in services are filled; and the coordination of administrative support services to each of the local planning councils.

d. The Division of Developmental Disabilities shall develop an agreement with the Developmental Disabilities Council regarding the role and authority of the coordinator.

C.30:6D-38 Family support planning councils.

6. Family support planning councils shall be established on a regional basis and shall work to expand and establish family support services in their region. Family support planning councils shall provide an opportunity for the public to express comments and share concerns and grievances. The councils shall be comprised of no more than 11 members; each of whom shall be either a family member of a person with a developmental disability or a person with a developmental disability. Council members shall serve without compensation beyond reimbursement for reasonable transportation, child care and other costs related to serving on the council. The councils shall monitor the implementation of the system and provide recommendations to the coordinator regarding family support services. Each council shall, at least annually, submit a report, in writing, to the Commissioner of Human Services.

C.30:6D-39 Allocation of monies, existing rights, entitlements, services not supplanted.

7. a. No more than 10% of the monies available for the purposes of this act shall be allocated for administration of the system.

b. The department and any publicly funded agency which provides family support services shall assist families in obtaining all other sources of funding before using funds available for the purposes of this act.

c. The services provided pursuant to this act shall not supplant any existing rights, entitlements or services for which the family or individual may be eligible.

C.30:6D-40 Services considered State benefit.

8. Notwithstanding the provisions of any law to the contrary, the family support services provided pursuant to this act shall be considered a State benefit and shall not be counted as income for the purposes of State taxation or eligibility for other State benefits.

C.30:6D-41 Rules, regulations.

9. The Commissioner of Human Services shall, pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), adopt rules and regulations necessary to effectuate the purposes of this act, including designating the regions for the family support planning councils.

10. This act shall take effect on the 180th day after enactment.

Approved March 29, 1993.

CHAPTER 99

AN ACT concerning retirement benefits for certain members of the Police and Firemen's Retirement System of New Jersey and supplementing P.L.1944, c.255 (C.43:16A-1 et seq.).

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. An employee of the State, and an employee of a participating employer under the Police and Firemen's Retirement System (PFRS) which elects to provide the benefits authorized under this act, who:

a. is 47 or more years of age and has 20 or more years of service credit under PFRS;

b. files an application to retire on or after December 1, 1993 and on or before December 1, 1994; and

c. retires under the retirement system on or after January 1, 1994 but not later than January 1, 1995 shall receive an additional five years of service credit under PFRS or any lesser number of years of service credit under PFRS as will provide the member, as of the date of retirement, with a total of not more than 30 years of service credit under PFRS. The additional retirement benefit under this section is applicable only to the employee's full-time employment with the State, or with the employer which elects to provide the benefits authorized under this act, and from which employment the employee retires to receive the benefit and the compensation for that employment.

2. An employer other than the State may elect to provide the benefits under this act by adoption of a resolution by its governing body and filing a certified copy of the resolution with the Director of the Division of Pensions and Benefits on or before December 1, 1993. The employer shall submit to the director any information necessary to provide the benefits or to determine the liability for them. The division shall prepare and provide to employers other than the State information on the employees eligible for the benefits under this act, estimates of the full liability to the retirement system and the payments which the employer will have to make on account of the early retirement of employees under the act, and detailed charts, tables and other information necessary for employers to do a cost/savings analysis of the impact through Fiscal Year 2003.

3. The actuaries for PFRS shall determine the liability of the retirement system for the additional service credit or pensions provided under this act and for the early retirement of employees in accordance with the tables of actuarial assumptions adopted by the board of trustees of the retirement system. This liability shall be added to the unfunded accrued liability of the employer under the retirement system and shall be paid in the same manner and over the remaining time period provided for the employer's unfunded accrued liability under section 15 of P.L.1944, c.255 (C.43:16A-15), except that in the case of an employer adopting the retirement system after July 1, 1988, the time period for payment of such liability shall be in accordance with the provisions of section 21 of P.L.1971, c.175 (C.43:16A-15.4).

The employer shall pay the cost of the actuarial work to determine the additional liability of the retirement system for the benefits under this act which shall be included in the initial contribution required from the employer.

4. An employee who receives a benefit under this act shall forfeit all tenure rights.

5. Where the needs of the State or an employer other than the State require the services of an employee who elects to retire and receive a benefit under this act, the State department, or that employer other than the State with the approval of the governing body of such employer, as the case may be, and with the consent of the employee, may delay the effective retirement date of the employee until the first day of any calendar month after January 1, 1995, but not later than January 1, 1996. A delay in the effective retirement date of an employee shall not extend the dates set forth in section 1 to apply and qualify for benefits under this act.

For a member of PFRS whose effective retirement date is delayed under this section and who dies before the retirement becomes effective, the retirement shall be effective as of the first day of the month after the date of death of the member if the member's beneficiary so requests in writing to the board of trustees of the retirement system.

6. An employee retiring with a benefit under this act who has not repaid the full amount of a loan from PFRS by the effective date of retirement may repay the loan through deductions from the member's retirement benefit payments in the same monthly amount which was deducted from the member's compensation immediately preceding retirement until the balance of the amount borrowed together with interest at the statutory rate is repaid. If the retiree dies before the outstanding balance of the loan and interest is repaid, the remaining amount shall be repaid as provided in section 2 of P.L.1981, c.370 (C.43:16A-16.2).

7. For the purposes of this act, "employee" means a policeman employed by the State or by a law enforcement unit as defined in section 2 of P.L.1961, c.56 (C.52:17B-67), or a fireman employed by a firefighting unit as defined in paragraph (b) of subsection (2) of section 1 of P.L.1944, c.255 (C.43:16A-1).

8. Prior to the last day upon which an employer other than the State may, under section 2 of this act, elect to provide the benefits under this act, each such employer covered by the provisions of this act shall meet and consult with the representatives of the bargaining unit or units representing the employees who would be

eligible for benefits under this act and the governing body of the employer shall formally consider and decide whether or not to adopt the provisions of this act.

9. An amount not to exceed $1,000,000 for the administrative expenses of the Division of Pensions and Benefits for implementation of this act shall be charged to the Police and Firemen's Retirement System Fund. Receipts from such charges, payable on a schedule to be determined by the Director of the Division of Budget and Accounting, shall be deposited in the General Fund and anticipated as revenue thereto in fiscal years 1994 and 1995. The expenses charged to the fund shall be included as a liability of the Police and Firemen's Retirement System for the purpose of determining future employer contributions or payments to the fund, or the amount of benefits to be paid under the program, as appropriate.

10. This act shall take effect immediately.

Approved March 31, 1993.

CHAPTER 100

AN ACT concerning the dates for the evaluation and notification of nontenured teaching staff members and amending P.L.1975, c.132 and P.L.1971, c.436.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. Section 1 of P.L.1975, c.132 (C.18A:27-3.1) is amended to read as follows:

C.18A:27-3.1 Evaluation of nontenured teaching staff.

1. Every board of education in this State shall cause each nontenure teaching staff member employed by it to be observed and evaluated in the performance of her or his duties at least three times during each school year but not less than once during each semester. Said evaluations are to take place before April 30 each year. The evaluations may cover that period between April 30 of one year and April 30 of the succeeding year excepting in the case

of the first year of employment where the three evaluations must have been completed prior to April 30. The number of required observations and evaluations may be reduced proportionately when an individual teaching staff member's term of service is less than one academic year. Each evaluation shall be followed by a conference between that teaching staff member and his or her superior or superiors. The purpose of this procedure is to recommend as to reemployment, identify any deficiencies, extend assistance for their correction and improve professional competence.

2. Section 1 of P.L.1971, c.436 (C.18A:27-10) is amended to read as follows:

C.18A:27-10 Written offer or notice to nontenure teachers.

1. On or before May 15 in each year, every board of education in this State shall give to each nontenure teaching staff member continuously employed by it since the preceding September 30 either

a. A written offer of a contract for employment for the next succeeding year providing for at least the same terms and conditions of employment but with such increases in salary as may be required by law or policies of the board of education, or

b. A written notice that such employment will not be offered.

3. This act shall take effect immediately.

Approved April 2, 1993.

CHAPTER 101

AN ACT concerning revaluations of real property and supplementing chapter 1 of Title 54 of the Revised Statutes.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

C.54:1-35.39 Short title.

1. Sections 1 through 10 of this act shall be known and may be cited as the "Revaluation Relief Act of 1993."

C.54:1-35.40 Findings, determinations.

2. The Legislature finds and determines that:

a. Article VIII, Section I, paragraph 1 of the Constitution of the State of New Jersey requires that all real property in this State be assessed for taxation under the same standard of value, which the Legislature has defined as "true" or "market" value, and taxed at a uniform general tax rate within each taxing district;

b. Because of such factors as rapidly changing real estate markets, excessive workloads borne by local tax assessors and limited resources available thereto, a lack of uniform data processing standards, and the technological obsolescence of certain local assessment practices, it has been extremely difficult for many municipalities to maintain current market value assessments for all properties within their corporate boundaries;

c. Through the statutory equalization process, the Legislature has addressed certain difficulties arising from differential assessment levels, by directing county boards of taxation to adjust aggregate assessments to presumed market levels for the purpose of equitable inter-municipal apportionment of county and school tax burdens; however, adequate resources have not been available for the provision of an ongoing adjustment process to address the assessment discrepancies which often arise within individual municipalities;

d. When intra-municipal discrepancies become too severe, it is necessary to periodically revalue all parcels of real property within a municipality, in order to reestablish fair and equitable taxation pursuant to the intent of our constitutional mandate, and to avoid costly and time consuming litigation;

e. While revaluations are thus necessary to maintain tax equity, they generally result in shocking, immediate increases in individual property tax bills, which severely strain the financial resources of many property owners, particularly homeowners, and which threaten the stability and viability of long-standing neighborhoods and communities which are often already in need of rehabilitation; and

f. It is, therefore, incumbent upon the Legislature, as a compelling public purpose and a matter of the general public welfare, to provide municipalities with the authority to mitigate this fiscal shock by phasing in tax increases in areas determined to be in need of rehabilitation, thus maintaining the stability and viability of those neighborhoods and communities, while encouraging those governing bodies to conduct revaluations.

C.54:1-35.41 Definitions.

3. As used in this act:

a. "Base year" means the tax year immediately preceding the revaluation year;

b. "Constant rate factor" means the result obtained by dividing the total tax levy for a municipality, excluding any special district tax levies, for the base year by the net valuation taxable for that municipality for the revaluation year, as both are listed in the Abstract of Ratables and Exemptions compiled from the Table of Aggregates prepared for the municipality pursuant to R.S.54:4-52;

c. "Director" means the Director of the Division of Taxation in the Department of the Treasury;

d. "Eligible property" means any parcel of real property containing a building or structure and located within an area declared in need of rehabilitation pursuant to this act in a municipality in which the director and municipal governing body have determined to implement a revaluation phase-in program, and for which the net assessed valuation of that parcel after exemptions and abatements as it appears on the assessor's duplicate for the revaluation year is scheduled to increase from the value as it appeared on the assessor's duplicate for the base year at a ratio equal to or greater than the total ratio change in net valuation taxable of that municipality for the revaluation year;

e. "Revaluation" means the revaluation of all real property within the corporate boundaries of a municipality, performed under a contract approved by the director pursuant to P.L.1971, c.424 (C.54:1-35.35 et seq.);

f. "Revaluation relief credit" means an exemption equivalent to the amount deducted from the tax liability of an eligible property, as part of a revaluation phase-in program;

g. "Revaluation impact study" means a calculation of the difference between the tax liability for each parcel of real property situated within the municipality for the revaluation year without benefit of a revaluation phase-in credit, and that liability for the base year, and the average of all the differences within appropriate groupings of those parcels, which study is conducted under procedures established by the director and is reviewed and certified by the director;

h. "Revaluation management analysis" means a revaluation impact study and a revaluation phase-in analysis;

i. "Revaluation phase-in analysis" means a calculation of the increase in the tax liability for each parcel of eligible property within a municipality between the base year and the revaluation year after application of the constant rate factor, minus the revaluation relief credit the municipality is authorized to allow for that property for each of the three years of a revaluation phase-in program provided for by this act, and the average of all such calculations within such groupings of those parcels as appropriate which study is conducted under procedures established by the director and is reviewed and certified by the director;

j. "Revaluation phase-in program" means the provision of revaluation relief credits by a municipality for eligible properties pursuant to this act;

k. "Revaluation year" means the first tax year in which the tax liability of real property within a municipality is determined, pursuant to chapter 4 of Title 54 of the Revised Statutes, on the basis of assessed valuations of the property established by a revaluation within that municipality; and

l. "Area in need of rehabilitation" means a municipality or a portion of a municipality in which at least 60% of the housing units are at least 30 years of age; or which has been determined to be an area in need of rehabilitation or redevelopment pursuant to the "Local Redevelopment and Housing Law," P.L.1992, c.79 (C.40A:12A-1 et al.) or a "blighted area" as determined pursuant to the Blighted Area Act, P.L.1949, c.187 (C.40:55-21.1 et seq.); or which has been determined to be in need of rehabilitation pursuant to the "Five-Year Exemption and Abatement Law," P.L.1991, c.441 (C.40A:21-1 et seq.), P.L.1975, c.104 (C.54:4-3.72 et seq.), P.L.1977, c.12 (C.54:4-3.95 et seq.), or P.L.1979, c.233 (C.54:4-3.121 et al.).

C.54:1-35.42 Allowance of revaluation relief credits.

4. The director and the governing body of a municipality which has undertaken a revaluation may allow revaluation relief credits for eligible properties as hereinafter provided:

a. On or before April 15 of the revaluation year for municipalities operating on the January 1 to December 31 fiscal year, or one week following the date established by law for the adoption of the municipal budget for municipalities operating on the State fiscal year, whichever is appropriate, the governing body of the municipality shall conduct a revaluation management analysis; provided, however, that a municipality which has conducted a revaluation that has not yet been used as the basis for a tax billing as of the effective date of this act may undertake the revaluation management analysis without regard for the deadline established herein. The governing body shall, at the same time, notify the county board of taxation of the county in which the municipality is situated of its intention to conduct a revaluation management analysis.

b. Within three days of filling out the Table of Aggregates for the county, the county board of taxation shall transmit to each municipality which has notified the county board of taxation of its intention to conduct a revaluation management analysis certified copies of the assessor's duplicate for the revaluation year and the base year and include a certified copy of the Table of Aggregates for the municipality.

c. Upon receipt of the assessor's duplicates and Tables of Aggregates, as provided in subsection b. of this section, and the certified copy of the Table of Aggregates from the county treasurer, as provided in R.S.54:4-52, the municipality shall prepare a revaluation management analysis as soon as practicable thereafter.

d. After review of the revaluation management analysis, the governing body of the municipality may determine, by ordinance, to implement a revaluation phase-in program. That ordinance also shall contain a listing of the areas within the municipality declared in need of rehabilitation in accordance with subsection l. of section 3 of this act. A listing, by block and lot, shall be available for public inspection in the office of the municipal assessor immediately following adoption of the ordinance.

e. Upon the adoption of an ordinance pursuant to subsection d. of this section, the governing body shall immediately notify and transmit certified copies of the ordinance to the director and the county board of taxation. In addition, notwithstanding the provisions of R.S.54:4-64, the governing body shall direct the collector of the taxing district not to prepare and deliver any tax bills until the county board of taxation has prepared and delivered a revised tax duplicate for the municipality. Any collector so directed shall prepare and mail, or otherwise cause to be delivered, a statement to the individuals assessed and, if so authorized, to any mortgagee or other agent in substantially the following form: "The governing body of (municipality) has determined to phase in tax increases associated with the recently completed revaluation. Your tax bill incorporating the phase-in will be forthcoming."

C.54:1-35.43 Determination of eligible properties.

5. a. Upon the receipt of a certified copy of the ordinance, the director shall conduct a final review of the tax duplicate for the municipality, and make a final determination of which parcels of real property in the municipality are eligible properties.

b. The director shall determine the amount of the revaluation relief credit for each eligible property for the revaluation year as follows:

RRC= 0.75 (A-B)

Where:

"RRC" equals the revaluation relief credit for the eligible property;

"A" equals the tax liability produced by multiplying the constant rate factor for the municipality for the revaluation year times the net assessed value of the eligible property as it appears on the assessor's duplicate for the revaluation year; and

"B" equals the tax liability produced by multiplying the general tax rate for the municipality for the base year times the net assessed value of the eligible property as it appeared on the assessor's duplicate for the base year.

C.54:1-35.44 Certification of aggregate amount of revaluation relief credits allowable.

6. a. The director shall certify to the county board of taxation the aggregate amount of revaluation relief credits to be allowed eligible properties within the municipality. The county board of taxation shall forthwith prepare a revised Table of Aggregates. In the revised Table of Aggregates, the board shall include, as part of the amount which must be raised for local municipal purposes through taxation, the aggregate amount of the revaluation relief credits to be allowed eligible properties within the municipality. The revised Table of Aggregates for the municipality shall be signed and transmitted as provided in R.S.54:4-52.

b. The director shall provide, at the same time, the county board of taxation with a certified list of the eligible properties within the municipality and the amount of the revaluation relief credit to which each is entitled. The county board shall immediately thereafter cause the corrected, revised and completed duplicate, certified by it to be a true record of the taxes assessed, to be delivered to the collector of the municipality. The revised tax list shall remain in the office of the board as a public record. Thereafter neither the assessor nor the collector shall make or cause to be made any change or alteration in the tax duplicate except as may be provided by law.

C.54:1-35.45 Delivery of tax bills to individuals assessed.

7. a. As soon as the tax duplicate is delivered to the collector of the municipality, the collector shall proceed with the work of preparing, completing, mailing or otherwise delivering tax bills to the individuals assessed pursuant to R.S.54:4-64 and R.S.54:4-66.

b. The tax bill shall be in a form prescribed by the Director of the Division of Local Government Services in the Department of Community Affairs, after consultation with the director, and shall include, in addition to such other information as may be required by law, rule or regulation, notification that the local municipal purposes tax rate for the municipality includes a rate to support the revaluation phase-in program. The bill shall also indicate the amount of the revaluation relief credit the taxpayer received for his eligible property.

C.54:1-35.46 Alternate payment date.

8. The provisions of R.S.54:4-66 and R.S.54:4-67 to the contrary notwithstanding, for a municipality which has implemented a revaluation phase-in program pursuant to this act, the Director of the Division of Local Government Services in the Department of Community Affairs may order that the third installment of taxes shall be payable in the revaluation year on a date other than that set forth in those statutes and shall not be deemed delinquent until the tenth calendar day following the new date.

C.54:1-35.47 Calculation of revaluation relief credit.

9. Revaluation relief credits for eligible properties in the revaluation year shall continue to be provided in the first and second tax year next following the revaluation year.

For the first and second year following the revaluation year, the director shall calculate, forthwith each year upon the receipt of a certified copy of a resolution from the municipality, the amount of the revaluation relief credit for each eligible property.

For the purposes of this section:

"RRC" equals the revaluation relief credit for the eligible property;

"A" equals the tax liability produced by multiplying the constant rate factor for the municipality for the revaluation year by the net assessed value of the eligible property as it appeared on the assessor's duplicate for the revaluation year; and

"B" equals the tax liability produced by multiplying the general tax rate for the municipality for the base year by the net assessed value of the eligible property as it appeared on the assessor's duplicate for the base year.

For the first tax year next following the revaluation year, the director shall determine the amount of the revaluation relief credit as follows:

RRC=0.50 (A-B)

For the second tax year next following the revaluation year, the director shall determine the amount of the revaluation relief credit for each eligible property as follows:

$RRC= 0.25\ (A-B)$

In each of those tax years the director shall certify to the county board of taxation the aggregate amount of revaluation relief credits to be provided for eligible properties within the municipality, and shall provide the county board of taxation with a certified list of eligible properties within the municipality and the amount of the revaluation relief credit to which each is entitled. The county board of taxation shall incorporate the information provided on that list into the tax duplicate prepared for the taxing district pursuant to R.S.54:4-55.

C.54:1-35.48 Tax liability not less than base year.

10. The provision of revaluation relief credits pursuant to this act shall not result in any tax year in a tax liability for an eligible property which is less than the tax liability for the base year.

11. a. Any post-revaluation impacted city may employ the provisions of sections 11 through 18 of this act to provide for a property tax phase-in beginning in tax year 1993.

b. As used in sections 11 through 18 of this act:

"Base year" means the 1991 tax year;

"Constant rate factor" means the result obtained by dividing the total tax levy for a municipality excluding any special district tax levies for the base year by the net valuation taxable for that municipality for the evaluation year, as both are listed in the Abstract of Ratables and Exemptions compiled from the Table of Aggregates prepared for the municipality pursuant to R.S.54:4-52;

"Evaluation year" means the 1993 tax year;

"Post-revaluation impacted city" means a city that has a population greater than 80,000 according to the most recent federal decennial census and has implemented a revaluation in the 1992 tax year.

12. The director and the governing body of a city eligible to employ the provisions of sections 11 through 18 of this act may allow revaluation relief credits for eligible properties as hereinafter provided:

a. On or before April 15 of the evaluation year the governing body of the city may determine, by ordinance, to implement a revaluation phase-in program. That ordinance also shall contain a listing of the areas within the municipality declared in need of rehabilitation in accordance with subsection l. of section 3 of this act. A listing, by block and lot, shall be available for public inspection in the office of the municipal assessor immediately following adoption of the ordinance.

b. Upon the adoption of an ordinance to implement a revaluation phase-in program pursuant to subsection a. of this section, the governing body shall immediately notify and transmit certified copies of the ordinance to the director and the county board of taxation. In addition, the governing body shall direct, notwithstanding the provisions of R.S.54:4-64, the collector of the taxing district not to prepare and deliver any tax bills until the county board of taxation has prepared and delivered a revised tax duplicate for the city. Any collector so directed shall prepare and mail, or otherwise cause to be delivered, a statement to the individuals assessed and, if so authorized, to any mortgagee or other agent in substantially the following form: "The governing body of (city) has determined to phase in tax increases associated with the recently completed revaluation. Your tax bill incorporating the phase-in will be forthcoming."

13. a. Upon the receipt of a certified copy of the ordinance, the director shall conduct a review of the tax duplicate for the city and make a final determination of which parcels of real property in the city are eligible properties. The municipality and county board of taxation shall assist the director in conducting the review as the director shall require.

b. The director shall determine the amount of the revaluation relief credit for each eligible property for the evaluation year as follows:

RRC= 0.75 (A-B)

Where:

"RRC" equals the revaluation relief credit for the eligible property;

"A" equals the tax liability produced by multiplying the constant rate factor for the city for the evaluation year times the net assessed value of the eligible property as it appears on the assessor's duplicate for the evaluation year; and

"B" equals the tax liability produced by multiplying the general tax rate for the city for the base year times the net assessed value of the eligible property as it appeared on the assessor's duplicate for the base year.

14. a. The director shall certify to the county board of taxation the aggregate amount of revaluation relief credits to be allowed

eligible properties within the city. The county board of taxation shall forthwith prepare a revised Table of Aggregates. In the revised Table of Aggregates, the board shall include, as part of the amount which must be raised for local municipal purposes through taxation, the aggregate amount of the revaluation relief credits to be allowed eligible properties within the city. The revised Table of Aggregates for the city shall be signed and transmitted as provided in R.S.54:4-52.

b. The director shall provide, at the same time, the county board of taxation with a certified list of the eligible properties within the city and the amount of the revaluation relief credit to which each is entitled. The county board shall immediately thereafter cause the corrected, revised and completed duplicate, certified by it to be a true record of the taxes assessed, to be delivered to the collector of the city. The revised tax list shall remain in the office of the board as a public record. Thereafter, neither the assessor nor the collector shall make or cause to be made any change or alteration in the tax duplicate except as may be provided by law.

15. a. As soon as the tax duplicate is delivered to the collector of the city, he shall proceed with the work of preparing, completing, mailing or otherwise delivering tax bills to the individuals assessed pursuant to R.S.54:4-64 and R.S.54:4-66.

b. The tax bill shall be in a form prescribed by the Director of the Division of Local Government Services in the Department of Community Affairs, after consultation with the director, and shall include, in addition to such other information as may be required by law, rule or regulation, notification that the local municipal purposes tax rate for the city includes a rate to support the revaluation phase-in program. The bill shall also indicate the amount of the revaluation relief credit the taxpayer received for his eligible property.

16. The provisions of R.S.54:4-66 and R.S.54:4-67 to the contrary notwithstanding, for a city which has implemented a revaluation phase-in program pursuant to sections 11 through 18 of this act, the director may order that any installment of taxes shall be payable in the evaluation year on a date other than that set forth in those statutes and shall not be deemed delinquent until the tenth calendar day following the new date.

17. Revaluation relief credits for eligible properties in the evaluation year shall continue to be provided in the first and second tax year next following the evaluation year.

For the first and second year following the evaluation year, the director, forthwith upon the receipt of a certified copy of a resolution from the city, shall calculate the amount of the revaluation relief credit for each eligible property.

For the purposes of this section:

"RRC" equals the revaluation relief credit for the eligible property;

"A" equals the tax liability produced by multiplying the constant rate factor for the city for the evaluation year by the net assessed value of the eligible property as it appeared on the assessor's duplicate for the evaluation year; and

"B" equals the tax liability produced by multiplying the general tax rate for the city for the base year by the net assessed value of the eligible property as it appeared on the assessor's duplicate for the base year.

For the first tax year next following the evaluation year, the director shall determine the amount of the revaluation relief credit as follows:

RRC=0.50 (A-B)

For the second tax year next following the evaluation year, the director shall determine the amount of the revaluation relief credit for each eligible property as follows:

RRC= 0.25 (A-B)

In each of those tax years the director shall certify to the county board of taxation the aggregate amount of revaluation relief credits to be provided for eligible properties within the city, and shall provide the county board of taxation with a certified list of eligible properties within the city and the amount of the revaluation relief credit to which each is entitled. The county board of taxation shall incorporate the information provided on the list in the tax duplicate prepared for the taxing district pursuant to R.S.54:4-55.

18. The provision of revaluation relief credits pursuant to sections 11 through 18 of this act shall not result in any tax year in a tax liability for an eligible property which is less than the tax liability for the base year.

C.54:1-35.49 Policies, procedures.

19. The director may establish policies and procedures to address technical problems which arise in overseeing implementation of this act.

C.54:1-35.50 Rules, regulations.

20. The director, pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), shall promulgate rules and regulations necessary to effectuate the purposes of this act.

21. This act shall take effect immediately.

Approved April 3, 1993.

CHAPTER 102

AN ACT concerning the construction, renovation, repair, alteration and conversion of public school buildings, and amending and supplementing various parts of the statutory law.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

C.34:1B-7.20 Short title.

1. Sections 1 through 10 of this 1993 amendatory and supplementary act shall be known and may be cited as the "Public School Capital Finance Assistance Act."

C.34:1B-7.21 Findings, declarations.

2 The Legislature finds and declares that the northeastern region of the country and New Jersey, in particular, continues to be seriously affected by the national economic downturn; that public sector involvement to finance urgently needed projects through the Economic Recovery Fund, established pursuant to section 4 of P.L.1992, c.16 (C.34:1B-7.13), is necessary to stimulate growth and provide employment during this ongoing recessionary economy; that, as part of this program to boost economic growth in the State, it is essential to address the current estimated unmet need of two billion dollars for the renovation, repair, conversion, alteration and construction of school buildings in the State in order to provide safe and adequate pubic school buildings; that the limitations on the availability of funds from other sources has impaired the ability of school districts to go forward with financing necessary to complete repairs, renovations, alterations, conversions and construction of school buildings; that the lack of adequate buildings and facilities has seriously impeded the ability of school districts to provide

a thorough and efficient system of education to all pupils as required by the State Constitution; and that the State cannot ignore its obligation to remedy conditions which jeopardize the health, safety and general welfare of our children.

C.34:1B-7.22 Definitions.

3. As used in this act:

"Authority" means the New Jersey Economic Development Authority established by section 4 of P.L.1974, c.80 (C.34:1B-4);

"Commissioner" means the Commissioner of the Department of Education;

"Cost or costs" means the expenses incurred in connection with: the renovation, repair, alteration, construction, or conversion of any school building or any other project authorized under this 1993 amendatory and supplementary act; the acquisition and development of any real or personal property for use in connection with any project authorized under this 1993 amendatory and supplementary act, including any rights or interests therein; the execution of any agreements and franchises deemed by the authority to be necessary or useful and convenient in connection with any project authorized under this 1993 amendatory and supplementary act; the procurement of engineering, inspection, planning, legal, financial or other professional services, including the services of a bond registrar or an authenticating agent; the cost of issuance of bonds, including any interest or discount thereon; the administrative, organizational, operating or other expenses incident to the financing, completion and placing into service of projects authorized under this 1993 amendatory and supplementary act; the establishment of a reserve fund or funds for working capital, operating, maintenance or replacement expenses and for the payment or security of principal or interest on bonds, as the authority may determine; and reimbursement to any fund of the State of moneys which may have been transferred or advanced therefrom to any fund created by this act, or of any moneys which may have been expended therefrom for or in connection with any project authorized under this 1993 amendatory and supplementary act;

"Department" means the Department of Education;

"Project" means any work which is necessary for the construction, renovation, repair, alteration or conversion of a public school building by the school district;

"Public school" means a school, under collegiate grade, which is operated by a school district;

"School building" means any structure, building, or facility used wholly or in part for academic purposes by a school district; and

"School district" means any local or regional school district established pursuant to chapter 8 or chapter 13 of Title 18A of the New Jersey Statutes and any county special services or county vocational school districts established pursuant to chapter 46 or chapter 54 of Title 18A of the New Jersey Statutes.

C.34:1B-7.23 "Public School Facilities Code Compliance Loan Fund."

4. a. The authority shall establish and maintain a special nonlapsing revolving fund to be known as the "Public School Facilities Code Compliance Loan Fund," hereinafter the "compliance fund," which shall be credited with: (1) the $25 million allocated from the Economic Recovery Fund pursuant to paragraph (1) of subsection d. of section 4 of P.L.1992, c.16 (C.34:1B-7:13); (2) any moneys that shall be received by the authority from the repayment of loans made from the compliance fund and interest thereon; and (3) any other moneys which the authority determines to deposit therein.

b. The authority may use the moneys in the compliance fund to finance not less than 25%, and not more than 50%, of the total cost of any project, in accordance with the criteria set forth in this section, for the purpose of providing low-interest loans to school districts, to finance the renovation, repair or other alteration of existing school buildings, the construction of new school buildings or the conversion of existing school buildings to other instructional purposes, if such renovation, repair, alteration, construction or conversion is required to bring buildings that, at the time of application, do not meet State health and safety code requirements, into compliance with those requirements.

c. Upon application by a school district for a low-interest loan, the commissioner is authorized and empowered to determine whether the renovations, repairs, alterations, conversion or construction are necessary to meet State health and safety code requirements. If the commissioner determines that such work is necessary, the commissioner shall certify that the school district is eligible for a low-interest loan pursuant to this section to finance the renovation, repair, alteration, conversion or construction described in the application.

d. (1) Upon certification, the commissioner shall waive the holding of a referendum or the requirement for approval by a board of school estimate pursuant to subsection (d) of

N.J.S.18A:20-4.2 or N.J.S.18A:24-5 et seq., as the case may be, or the requirement for approval of the project by a capital projects control board pursuant to P.L.1991, c.139 (C.18A:7A-46.1 et seq.), as appropriate, and the school district may, upon receiving the certification and waiver, apply to the authority for a loan pursuant to this section. The terms of the loan and the repayment schedule shall be established by the authority. The repayments to the authority by the school districts shall be treated as net debt service by the school districts for school aid purposes. In addition to the amount of taxes determined by the legal voters of the district at the annual school election, the secretary of the board of education shall certify the amount required for the repayment of the interest and principal of the loan in the same manner required for interest and debt redemption charges pursuant to N.J.S.18A:22-33, and the amount so certified shall be included in the taxes assessed, levied and collected in the municipality or municipalities comprising the school district for such purposes.

(2) All repayments, and interest thereon, shall be deposited by the authority in the compliance fund, for use in the manner provided for in this section, except insofar as the authority may direct that such amounts be deposited in the small projects fund established pursuant to section 7 of this 1993 amendatory and supplementary act.

e. The authority, in consultation with the commissioner shall, in determining whether to grant approval of any loan application pursuant to this section, take into consideration the severity of the need for the particular project, the ability of the school district to begin and complete the project in an expeditious manner, the ability of the school district to proceed with the funding of the balance of the funds for the project, and the extent to which the approval of the project contributes to the equable distribution of monies in the compliance fund.

f. The balance of the moneys needed for a project for which an application for a loan is made pursuant to this section may be funded by the school district by: (1) the issuance of bonds, or other borrowing, excluding lease-purchase agreements, pursuant to the provisions of subsection (d) of N.J.S.18A:20-4.2, N.J.S.18A:24-5 et seq., or P.L.1991, c.139 (C.18A:7A-46.1 et seq.), as appropriate; except that the commissioner shall waive the holding of a referendum or the requirement for approval by a board of school estimate pursuant to subsection (d) of N.J.S.18A:20-4.2, or N.J.S.18A:24-5 et seq., as the case may be, or the requirement for approval of the project by a capital projects control board pursuant to P.L.1991, c.139 (C.18A:7A-46.1 et seq.), as appropriate; (2) borrowing from the "Public Schools Small Projects Loan Assistance Fund" established pursuant to section 7 of this 1993 amendatory and supplementary act, if the total cost of the project does not exceed $5,000,000, and in any such case the commissioner shall waive the holding of a referendum or the requirement for approval by a board of school estimate pursuant to subsection (d) of N.J.S.18A:20-4.2 or N.J.S.18A:24-5 et seq., as the case may be, or approval of the project by a capital projects control board pursuant to P.L.1991, c.139 (C.18A:7A-46.1 et seq.), as appropriate; (3) monies of the school district not necessary for the completion of any other specific projects; and (4) any other lawful source; except that no project funded or approved to be funded by school district bonds authorized, pursuant to law, prior to December 31, 1992 shall be funded pursuant to this 1993 amendatory and supplementary act.

g. Any school district shall be eligible to receive additional loans pursuant to this section even if the district has received a previous loan; provided that those additional loans are in conformity with the selection criteria established pursuant to this section.

h. Net earnings received from the investment or deposit of monies in the compliance fund by the authority shall be redeposited in the fund for use for the purposes of this section.

C.34:1B-7.24 "Public School Facilities Loan Assistance Fund."

5. a. The authority shall establish and maintain a special nonlapsing revolving fund to be known as the "Public School Facilities Loan Assistance Fund," hereinafter the "facilities fund," which shall be credited with: (1) not less than $105,000,000 from the amount of capital funding appropriated for school facilities pursuant to the annual appropriations act for the State fiscal year ending June 30, 1994, P.L.1993, c.155; (2) the $20,000,000 allocated from the Economic Recovery Fund pursuant to paragraph (2) of subsection d. of section 4 of P.L.1992, c.16 (C.34:1B-7.13); (3) any monies that shall be received by the authority from the repayment of loans made from the facilities fund and interest thereon; and (4) any other moneys which the authority determines to deposit therein.

b. The authority may use the moneys in the facilities fund to provide for low interest loans to finance not less than 25%, and not more than 50%, of the total cost of any project, in accordance with the criteria set forth in this section, for the purpose of renovation, repair or other alteration of existing school buildings, for construction of new school buildings or for the conversion of existing school buildings to other instructional purposes, whether or not that renovation, repair, alteration, construction or conversion is required to bring buildings that, at the time of application do not meet State health and safety code requirements, into compliance with those requirements.

c. Upon application by any school district to the authority for a loan to be made pursuant to subsection b. of this section, the authority shall, in consultation with the commissioner, determine whether to grant approval for the loan based upon the appropriate authorization for the loan pursuant to subsection (d) of N.J.S.18A:20-4.2, or the project pursuant to P.L.1991, c.139 (C.18A:7A-46.1 et seq.), as the case may be, the relationship of the project to the enhancement of the school's academic programs, the ability of the school district to begin and complete the project in an expeditious manner, the ability of the school district to proceed with the funding of the balance of the moneys needed for the project, and the extent to which approval of the project would contribute to the equable distribution of monies in the facilities fund.

d. The balance of the moneys needed for a project for which an application for a loan is made pursuant to subsection b. of this section may be funded by the school district by: (1) the issuance of bonds, or other borrowing, excluding lease-purchase agreements, pursuant to the provisions of subsection (d) of N.J.S.18A:20-4.2, N.J.S.18A:24-5 et seq., or P.L.1991, c.139 (C.18A:7A-46.1 et seq.) as appropriate; (2) if the borrowing of money or the issuance of bonds is authorized pursuant to subsection (d) of N.J.S.18A:20-4.2 or N.J.S.18A:24-5 et seq., as the case may be, or if the project is approved pursuant to P.L.1991, c.139 (C.18A:7A-46.1 et seq.), as appropriate, borrowing from the "Public Schools Small Projects Loan Assistance Fund" established pursuant to section 7 of this 1993 amendatory and supplementary act, if the total cost of the project does not exceed $5,000,000; (3) monies of the school district not necessary for the completion of any other specific projects; and (4) any other lawful source; except that no project funded or approved to be funded by school district bonds authorized, pursuant to law, prior to December 31, 1992 shall be funded pursuant to this 1993 amendatory and supplementary act.

e. (1) The authority shall establish the terms of the loan which shall include, but not be limited to, the rate of interest, a schedule for drawing down loan funds, and a repayment schedule. The repayments shall be treated by the school district as net debt service for school aid purposes. In addition to the amount of taxes determined by the legal voters of the district at the annual school election, the secretary of the board of education shall certify the amount required for the repayment of the interest and principal of the loan in the same manner required for interest and debt redemption charges pursuant to N.J.S.18A:22-33, and the amount so certified shall be included in the taxes assessed, levied and collected in the municipality or municipalities comprising the school district for such purposes.

(2) All repayments, and interest thereon, shall be deposited by the authority in the facilities fund for use in the manner provided for in this section, except insofar as the authority may direct that such amounts be deposited in the small projects fund established pursuant to section 7 of this 1993 amendatory and supplementary act.

f. Net earnings received from the investment or deposit of monies in the facilities fund by the authority shall be redeposited in the fund for use for the purposes of this section.

C.18A:56-21 Schools facilities financing reserve.

6. a. There is hereby established within the fund for the support of free public schools a school facilities financing reserve, to which shall be credited an amount necessary to secure the principal of and interest on school bonds issued to represent the loans that secure the bonds issued by the New Jersey Economic Development Authority pursuant to section 7 of this 1993 amendatory and supplementary act. The amount of the reserve so established shall not exceed the moneys available in the fund or include those amounts in the fund that are obligated for the purposes of the school bond reserve fund established pursuant to section 5 of P.L.1980, c.72 (C.18A:56-19). The reserve shall be pledged as security for prompt payment to the authority by the school districts of the principal and interest on the school bonds issued to represent the loans made under section 7 of this 1993 amendatory and supplementary act in the event of the inability of the school districts to make timely payment. These amounts shall be used by the authority for payment to holders of bonds issued pursuant to section 7 of this 1993 amendatory and supplementary act. The school facilities financing reserve shall be composed entirely of direct obligations of the United States Government or obligations guaranteed by the full

faith and credit of the United States Government. Securities representing at least one-third of the minimum market value to be held in the school facilities financing bond reserve shall be due to mature within one year of the date of issuance or purchase.

b. It shall be the duty of the trustees of the fund to determine that the school facilities financing bond reserve is established at the proper level, based on the market value of the obligations to be held therein on the effective date of this 1993 amendatory and supplementary act, to ascertain annually on or before September 15 of each year the aggregate amount of bonds issued by the New Jersey Economic Development Authority pursuant to section 7 of this 1993 amendatory and supplementary act and the amount outstanding, and to maintain the school facilities financing bond reserve at an appropriate level for the ensuing year based on annual market valuations of the obligations. The State Treasurer, acting as agent of the trustees, is authorized to retain as much of the income earned by the fund in the preceding year as he may determine to be required to maintain the school facilities financing bond reserve at the level herein specified.

c. Bonds issued by the New Jersey Economic Development Authority pursuant to section 7 of this 1993 amendatory and supplementary act shall contain, in addition to any other language required to issue the bonds, a statement, in bold print, that the loans that secure the bonds are secured by monies reserved in the fund for the support of free public schools pursuant to the provision of the "Public School Capital Finance Assistance Act."

C.34:1B-7.25 Issuance of bonds; "Public Schools Small Projects Loan Assistance Fund."

7. a. The New Jersey Economic Development Authority is authorized to issue bonds, in an aggregate amount not exceeding $100,000,000, the proceeds from which shall be used to provide matching funds to assist in the financing of school district projects in accordance with the provisions of this section. The bonds so issued shall be secured by the repayment by school districts of loans made pursuant to this 1993 amendatory and supplementary act, or, in the case of default on any such loan repayment, by the school facilities financing bond reserve established pursuant to section 6 of this 1993 amendatory and supplementary act.

b. The authority shall establish and maintain a special nonlapsing revolving fund to be known as the "Public Schools Small Projects Loan Assistance Fund," hereinafter the "small projects fund," which shall be credited with: (1) the proceeds of the sale of bonds pursuant to subsection a. of this section; (2) any moneys that shall be received by the authority from the repayment of loans made from the small projects fund and interest thereon; and (3) any other moneys which the authority determines to deposit therein.

c. The authority shall use the monies in the small projects fund exclusively for: (1) matching funds to provide market rate loans to school districts to finance an amount up to the remaining balance of the cost of a project approved for funding from the compliance fund pursuant to section 4 of this 1993 amendatory and supplementary act or from the facilities fund pursuant to section 5 of this 1993 amendatory and supplementary act, whether or not the project is required to bring the buildings that, at the time of application do not meet State health and safety code requirements, into compliance with those requirements; provided that the total cost of the project, including moneys received from the compliance fund or the facilities fund, does not exceed $5,000,000; and (2) payment of any principal, interest, premium and expenses incurred in connection with the bonds issued pursuant to subsection a. of this section.

d. (1) The authority shall establish the terms of the market rate loans which shall include, but not be limited to, the actual rate of interest, a schedule for drawing down loan funds, and the repayment schedule for the loans. The repayments shall be treated by the school district as net debt service for school aid purposes. In addition to the amount of taxes determined by the legal voters of the district at the annual school election, the secretary of the board of education shall certify the amount required for the repayment of the interest and principal of the loan in the same manner required for interest and debt redemption charges pursuant to N.J.S.18A:22-33, and the amount so certified shall be included in the taxes assessed, levied and collected in the municipality or municipalities comprising the school district for such purposes.

(2) All repayments, and interest thereon, shall be deposited by the authority in the small projects fund for use in the manner provided for in this section.

e. Net earnings received from the investment or deposit of monies in the small projects fund by the authority shall be redeposited in the fund for use for the purposes of this section.

C.34:1B-7.26 Preliminary approval of loan application.

8. In the case of a school district that has applied for any loan pursuant to this 1993 amendatory and supplementary act, and that is required to seek authorization for the issuance of bonds, or for

other borrowing, or for a project involving the issuance of bonds or other borrowing pursuant to the provisions of subsection (d) of N.J.S.18A:20-4.2, N.J.S.18A:24-5 et seq., or P.L.1991, c.139 (C.18A:7A-46.1 et seq.), as the case may be, or a waiver of any such requirement, as appropriate, the authority may grant preliminary approval of that application, provided that final approval of the application shall be conditioned upon the granting of the appropriate approval to the school district, or the waiver thereof, within a time period to be determined by the authority and stated, in writing, as part of the preliminary approval. No monies shall be disbursed for any project under this 1993 amendatory and supplementary act until final approval of the pertinent application is granted.

C.18A:4-41 Waiving of certain requirements.

9. The commissioner or the Director of the Division of Local Government Services, in the Department of Community Affairs, as appropriate, is authorized, for those school districts issuing bonds pursuant to this 1993 amendatory and supplementary act, to waive the requirement imposed pursuant to N.J.S.18A:24-46 or N.J.S.40A:2-29, as the case may be, that school districts issue those bonds at not less than par value.

C.34:1B-7.27 Adoption of rules, taking administrative action.

10. The authority is hereby empowered and directed to adopt summarily any rule, and to take any administrative action whatsoever, necessary to effectuate the purposes of this 1993 amendatory and supplementary act without being subject to the provisions or requirements of the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), except that any rules and regulations so adopted shall be filed with the Secretary of State and shall provide for the prompt publication of the rules and regulations after the filing of same.

11. Section 4 of P.L.1992, c.16 (C.34:1B-7.13) is amended to read as follows:

C.34:1B-7.13 Use of moneys in fund.

4. The authority may use the moneys in the fund to pay principal of, premium, if any, and interest on bonds or notes, which shall be entitled "Economic Recovery Fund Bonds or Notes," as appropriate, the proceeds, or net proceeds, of which shall be deposited into the fund, or used for purposes of the fund, and moneys in the fund, including money received from the sale of bonds shall, in such manner as is determined by the authority, and

pursuant to subsections d. and f. of this section, be used for the financing of projects as set forth in section 3 of P.L.1974, c.80 (C.34:1B-3) and to establish:

a. An economic growth account for business programs, which will invest in small and medium-size businesses that have the greatest potential for creating jobs and stimulating economic growth through such elements as a Statewide lending pool for small business, a business composite bond guarantee, a fund to further supplement the export finance program of the authority to provide direct loans and working capital necessary for New Jersey businesses to compete in the global market, real estate partnerships, a Statewide composite bond pool to assist municipalities in acquiring needed financing for capital expenditures, community-based assistance to assist municipalities in establishing local development corporations to stimulate economic development, a venture capital fund for start-up costs for businesses developing new concepts and inventions, and a fund to assist businesses with expansion in such areas as manufacturing retooling to improve quality, to reduce production costs and to train employees to apply the latest technology;

b. An economic development infrastructure program account, which shall provide for the financing and development of infrastructure and transportation projects, including but not limited to ports, terminal and transit facilities, roads and airports, parking facilities used in connection with transit facilities, and related facilities, including public-private partnerships, that are integral to economic growth;

c. An account for a cultural, recreational, fine and performing arts, military and veterans memorial, historic preservation project and tourism facilities and improvements program, which shall provide for the financing and development of cultural, recreational, fine and performing arts, military and veterans memorial, historic preservation and tourism projects, including partnerships with public, private and nonprofit entities;

d. An account, into which shall be deposited an amount not less than $45,000,000, out of the total amounts deposited or credited to the fund from the proceeds of the sale of Economic Recovery Fund Bonds or Notes, for the financing of capital facilities for primary and secondary schools in the State for the purpose of the renovation, repair or alteration of existing school buildings, the construction of new school buildings or the conversion of existing school buildings to other instructional purposes.

(1) Of the amount deposited in the account, not less than $25,000,000 shall be deposited in the "Public School Facilities Code Compliance Loan Fund" established pursuant to section 4 of P.L.1993, c.102 (C.34:1B-7.23).

(2) Of the amount deposited in the account, not less than $20,000,000 shall be deposited in the "Public School Facilities Loan Assistance Fund" established pursuant to section 5 of P.L.1993, c.102 (C.34:1B-7.24);

e. An environmental cleanup business assistance pilot program account which will provide assistance to businesses which are conducting or may be required to conduct an environmental cleanup pursuant to the provisions of the "Environmental Cleanup Responsibility Act," P.L.1983, c.330 (C.13:1K-6 et al.), or which have discovered a hazardous discharge on a property owned by that business and are seeking to voluntarily initiate a cleanup process in accordance with law. In determining eligibility for assistance, the authority shall consider, in consultation with the Department of Environmental Protection, the compliance history of any applicant; and

f. An account, into which shall be deposited an amount not less than $15,000,000, out of the total amounts deposited or credited to the fund from the proceeds of the sale of Economic Recovery Fund Bonds or Notes, for the financing of shore restoration, maintenance, monitoring, protection and preservation projects pursuant to the shore protection master plan prepared by the Department of Environmental Protection pursuant to P.L.1978, c.157.

12. This act shall take effect immediately.

Approved April 8, 1993.

CHAPTER 103

AN ACT concerning the catastrophic illness in children relief program and amending and supplementing P.L.1987, c.370 (C.26:2-148 et seq.).

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. Section 2 of P.L.1987, c.370 (C.26:2-149) is amended to read as follows:

C.26:2-149 Definitions.

2. As used in this act:

a. "Catastrophic illness" means any illness or condition the medical expenses of which are not covered by any other State or federal program or any insurance contract and exceed 15% of the first $100,000 of annual income of a family plus 20% of the excess income over $100,000.

b. "Child" means a person 18 years of age and under.

c. "Commission" means the Catastrophic Illness in Children Relief Fund Commission.

d. "Family" means a child and the child's parent, parents or legal guardian, as the case may be, who is legally responsible for the child's medical expenses.

e. "Fund" means the Catastrophic Illness in Children Relief Fund.

f. "Income" means all income, from whatever source derived, actually received by a family.

g. "Resident" means a person legally domiciled within the State for a period of three months immediately preceding the date of application for inclusion in the program. Mere seasonal or temporary residence within the State, of whatever duration, does not constitute domicile. Absence from this State for a period of 12 months or more is prima facie evidence of abandonment of domicile. The burden of establishing legal domicile within the State is upon the parent or legal guardian of a child.

2. Section 4 of P.L.1987, c.370 (C.26:2-151) is amended to read as follows:

C.26:2-151 Catastrophic Illness in Children Relief Fund Commission.

4. There is established in, but not of, the State Department of Health the Catastrophic Illness in Children Relief Fund Commission. The commission shall consist of the Commissioner of the State Department of Health, the Commissioner of the Department of Human Services, the Commissioner of the Department of Insurance, and the State Treasurer, who shall be members ex officio, and seven public members who are residents of this State, appointed by the Governor with the advice and consent of the Senate for terms of five years, two of whom are appointed upon the recommendation of the President of the Senate, one of whom is a provider of health care services to children in this State and

two of whom are appointed upon the recommendation of the Speaker of the General Assembly, one of whom is a provider of health care services to children in this State. The five public members first appointed by the Governor shall serve for terms of one, two, three, four and five years, respectively.

Each member shall hold office for the term of his appointment and until his successor has been appointed and qualified. A member of the commission is eligible for reappointment.

Each ex officio member of the commission may designate an officer or employee of his department to represent him at meetings of the commission, and each designee may lawfully vote and otherwise act on behalf of the member for whom he constitutes the designee. Any designation shall be in writing delivered to the commission and filed with the office of the Secretary of State and shall continue in effect until revoked or amended in the same manner as provided for designation.

C.26:2-154.1 Settlement of claims; disposition of recovered moneys.

3. The commission is authorized to negotiate or settle a claim that the fund maintains for reimbursement against a family who has received assistance for the medical expenses of a child with a catastrophic illness pursuant to P.L.1987, c.370 (C.26:2-148 et seq.) and has recovered damages in a legal action for the child's medical expenses. Money recovered pursuant to this section shall be deposited in the fund.

4. This act shall take effect immediately and shall be retroactive to January 1, 1988.

Approved April 12, 1993.

CHAPTER 104

AN ACT concerning municipal fair share obligations under the "Fair Housing Act," and amending P.L.1985, c.222.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. Section 7 of P.L.1985, c.222 (C.52:27D-307) is amended to read as follows:

C.52:27D-307 Duties of council.

7. It shall be the duty of the council, seven months after the confirmation of the last member initially appointed to the council, or January 1, 1986, whichever is earlier, and from time to time thereafter, to:

a. Determine housing regions of the State;

b. Estimate the present and prospective need for low and moderate income housing at the State and regional levels;

c. Adopt criteria and guidelines for:

(1) Municipal determination of its present and prospective fair share of the housing need in a given region. Municipal fair share shall be determined after crediting on a one-to-one basis each current unit of low and moderate income housing of adequate standard, including any such housing constructed or acquired as part of a housing program specifically intended to provide housing for low and moderate income households. Notwithstanding any other law to the contrary, a municipality shall be entitled to a credit for a unit if it demonstrates that (a) the municipality issued a certificate of occupancy for the unit, which was either newly constructed or rehabilitated between April 1, 1980 and December 15, 1986; (b) a construction code official certifies, based upon a visual exterior survey, that the unit is in compliance with pertinent construction code standards with respect to structural elements, roofing, siding, doors and windows; and (c) the household occupying the unit certifies in writing, under penalty of perjury, that it receives no greater income than that established pursuant to section 4 of P.L.1985, c.222 (C.52:27D-304) to qualify for moderate income housing. It shall be sufficient if this certification is signed by one member of the household. A certification submitted pursuant to this paragraph shall be reviewable only by the council or its staff and shall not be a public record;

(2) Municipal adjustment of the present and prospective fair share based upon available vacant and developable land, infrastructure considerations or environmental or historic preservation factors and adjustments shall be made whenever:

(a) The preservation of historically or important architecture and sites and their environs or environmentally sensitive lands may be jeopardized,

(b) The established pattern of development in the community would be drastically altered,

(c) Adequate land for recreational, conservation or agricultural and farmland preservation purposes would not be provided,

(d) Adequate open space would not be provided,

(e) The pattern of development is contrary to the planning designations in the State Development and Redevelopment Plan prepared pursuant to sections 1 through 12 of P.L.1985, c.398 (C.52:18A-196 et seq.),

(f) Vacant and developable land is not available in the municipality, and

(g) Adequate public facilities and infrastructure capacities are not available, or would result in costs prohibitive to the public if provided; and

(3) (Deleted by amendment, P.L.1993, c.31);

d. Provide population and household projections for the State and housing regions;

e. In its discretion, place a limit, based on a percentage of existing housing stock in a municipality and any other criteria including employment opportunities which the council deems appropriate, upon the aggregate number of units which may be allocated to a municipality as its fair share of the region's present and prospective need for low and moderate income housing. No municipality shall be required to address a fair share beyond 1,000 units within six years from the grant of substantive certification, unless it is demonstrated, following objection by an interested party and an evidentiary hearing, based upon the facts and circumstances of the affected municipality that it is likely that the municipality through its zoning powers could create a realistic opportunity for more than 1,000 low and moderate income units within that six-year period. For the purposes of this section, the facts and circumstances which shall determine whether a municipality's fair share shall exceed 1,000 units, as provided above, shall be a finding that the municipality has issued more than 5,000 certificates of occupancy for residential units in the six-year period preceding the petition for substantive certification in connection with which the objection was filed.

In carrying out the above duties, including, but not limited to, present and prospective need estimations the council shall give appropriate weight to pertinent research studies, government reports, decisions of other branches of government, implementation of the State Development and Redevelopment Plan prepared pursuant to sections 1 through 12 of P.L.1985, c.398 and public comment. To assist the council, the State Planning Commission established under that act shall provide the council annually with economic growth, development and decline projections for each housing region for the next six years. The council shall develop procedures for periodically adjusting regional need based upon the low and moderate income housing that is provided in the region through any federal, State, municipal or private housing program.

2. This act shall take effect immediately.

Approved April 13, 1993.

CHAPTER 105

AN ACT concerning attendance at conventions of certain organizations and amending N.J.S.11A:6-10.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. N.J.S.11A:6-10 is amended to read as follows:

Leaves of absence for convention attendance.

11A:6-10. A leave of absence with pay shall be given to every employee who is a duly authorized representative of the New Jersey Patrolmen's Benevolent Association, Inc., Fraternal Order of Police, Firemen's Mutual Benevolent Association, Inc., the Fire Fighters Association of New Jersey or the New Jersey State Association of Chiefs of Police, or to any corrections officer who is a member of the Italian American Police Society of New Jersey, to attend any State or national convention of the organization. The leave of absence shall be for a period inclusive of the duration of the convention with a reasonable time allowed for travel to and from the convention. A certificate of attendance at the convention shall, upon request, be submitted by the representative so attending.

2. This act shall take effect immediately.

Approved April 13, 1993.

CHAPTER 106

AN ACT concerning the replacement of destroyed trees on certain forested areas owned or maintained by State entities, and supplementing Title 13 of the Revised Statutes.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

C.13:1L-14.1 Definitions.

1. As used in this act:

"Division" means the Division of Parks and Forestry in the Department of Environmental Protection.

"State entity" means a department, agency, or office of State government, including a State university or college, or an authority created by the State.

C.13:1L-14.2 Plan for compensatory reforestation.

2. a. Each State entity, by July 1, 1993, and at least annually thereafter, shall develop, and submit to the Division of Parks and Forestry in the Department of Environmental Protection, a plan for compensatory reforestation for all areas at least one acre in size that is owned or maintained by that State entity and is scheduled for deforestation. A reforestation plan required pursuant to this act shall establish a goal of no net loss of forested area, based upon an approximation of at least a one-for-one replacement of trees lost due to deforestation, and shall be subject to approval of the division. No project that would deforest land at least one acre of size that is owned or maintained by a State entity may be commenced without approval of that State entity's plan by the division.

b. A reforestation plan developed pursuant to subsection a. of this section may provide:

(1) that tree planting be conducted off-site by the State entity, if the division determines that it is not practicable to conduct the tree planting efforts on-site. Off-site property may include property owned or maintained by a State entity other than the one developing and implementing the plan if the State entity that is to receive the benefits of the off-site tree planting efforts agrees thereto;

(2) that the State entity plant seedlings to meet the goal of no net loss of forested area, which seedlings shall be planted from six to 10 feet apart, or at a distance mutually agreed to by the division and the State entity; and

(3) for the planting of species of trees or seedlings that are obtainable from a tree nursery owned and operated by the State, including, but not limited to, such species as white pine, Norway spruce, pitch pine, shortleaf pine, loblolly pine, Virginia pine, oaks, ash, poplar, sweet gum, and black locust. Subject to availability from a State tree nursery, the trees used in reforestation by a State entity pursuant to this act shall be those that are the most suitable for the site.

C.13:1L-14.3 Nonapplicability of act.

3. The requirements of this act shall not apply to activities that are deemed by the division to constitute standard forestry or arboricultural practices.

4. This act shall take effect immediately.

Approved April 13, 1993.

CHAPTER 107

AN ACT creating the "New Jersey Self-Insurers Guaranty Association" and supplementing chapter 15 of Title 34 of the Revised Statutes.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

C.34:15-120.15 Definitions.

1. As used in this act:

"Association" means the New Jersey Self-Insurers Guaranty Association created in subsection a. of section 2 of this act.

"Board of directors" or "board" means the board of directors of the association established under section 3 of this act.

"Commissioner" means the Commissioner of Insurance.

"Department" means the Department of Insurance.

"Fund" means the Insolvency Fund created pursuant to section 5 of this act.

"Injured worker" or "employee" means an employee of an employer or a dependent of the employee to whom the employer is obligated to pay compensation pursuant to chapter 15 of Title 34 of the Revised Statutes.

"Insolvent member" means a member employer: (1) (a) which files for relief in bankruptcy under Title 11 of the United States

Code, 11 U.S.C. §101 et seq.; (b) against which involuntary bankruptcy proceedings are filed under that title; or (c) for which a receiver has been appointed by a court of competent jurisdiction; and (2) which is determined to be insolvent by the board as provided in its plan of operation, based upon the member employer's ability to pay compensation pursuant to R.S.34:15-77.

"Member employer" or "member" means a self-insurer which is a member of the association.

"Self-insurer" means an employer, other than a governmental entity, which self-insures for the purposes of workers' compensation as permitted by R.S.34:15-77.

C.34:15-120.16 "New Jersey Self-Insurers Guaranty Association."

2. a. There is created a nonprofit entity to be known as the "New Jersey Self-Insurers Guaranty Association." All self-insurers shall be members of the association as a condition of their authority to self-insure in this State. The association shall perform its functions under a plan of operation as established and approved under section 6 of this act and shall exercise its powers and duties through a board of directors as established under section 3 of this act.

b. A member may voluntarily withdraw from the association when the member voluntarily terminates the self-insurance privilege and pays all assessments due to the date of that termination. However, the withdrawing member shall continue to be bound by the provisions of this act relating to the period of its membership and any claims charged pursuant thereto. A withdrawing member shall also be required to provide to the department upon withdrawal, and at 12-month intervals thereafter, satisfactory proof that it continues to meet the standards of R.S.34:15-77 in relation to claims incurred while the withdrawing member exercised the privilege of self-insurance. Such reporting shall continue until the withdrawing member satisfies the department that there is no remaining value to claims incurred while the withdrawing member was self-insured. If during this reporting period the withdrawing member fails to meet the standards of R.S.34:15-77, the withdrawing member shall thereupon, and at six-month intervals thereafter, provide to the department and the association the certified opinion of an independent actuary who is a member of the American Society of Actuaries of the actuarial present value of the determined and estimated future compensation payments of the withdrawing member for claims incurred while it was a self-insurer, using a discount rate of four percent. With each such opinion, the withdrawing member shall deposit with the department security in an amount equal to the value certified by the actuary and of a type that is acceptable for the purposes of R.S.34:15-77. The withdrawing member shall continue to provide such opinions and to provide such security until such time as the latest opinion shows no remaining value of claims. The association has a cause of action against a withdrawing member, and against any successor of a withdrawing member, who fails to timely provide the required opinion or who fails to maintain the required deposit with the department. The association shall be entitled to recover a judgment in the amount of the actuarial present value of the determined and estimated future compensation payments of the withdrawing member for claims incurred during the time that the withdrawing member exercised the privilege of self-insurance, together with reasonable attorney's fees. For purposes of this section, the "successor of a withdrawing member" means any person, business entity, or group of persons or business entities, which holds or acquires legal or beneficial title to the majority of the assets or the majority of the shares of the withdrawing member.

C.34:15-120.17 Board of directors.

3. The board of directors of the association shall consist of five persons and shall be organized as established in the plan of operation. With respect to initial appointments, the commissioner shall, within 180 days of the effective date of this act, approve and appoint to the board persons who are employed or who have been employed by a self-insurer in this State required to become a member of the association pursuant to the provisions of section 2 of this act and are, or were, as the case may be, responsible for the administration of workers' compensation for that self-insurer for at least five years and who are recommended by the self-insurers in this State required to become members of the association pursuant to the provisions of section 2 of this act. If the commissioner finds that any person so recommended does not have the necessary qualifications for service on the board and a majority of the board has been appointed, the commissioner shall request the directors thus far approved and appointed to recommend another person for appointment to the board. Each director shall serve for a four-year term and may be reappointed. Appointments other than initial appointments shall be made by the commissioner upon recommendation of members of the association. Any vacancy on the board shall be filled for the remaining period of the term in the same manner as appointments other than initial appointments are made. Each director may be reimbursed from assets of the association for expenses incurred in carrying out the duties of the board on behalf of the association.

C.34:15-120.18 Association obligated for payment of compensation; powers; assessments.

4. a. Upon creation of the Insolvency Fund pursuant to the provisions of section 5 of this act, the association is obligated for payment of compensation under chapter 15 of Title 34 of the Revised Statutes to insolvent members' employees resulting from: (1) incidents and injuries existing prior to the member becoming an insolvent member; and (2) incidents and injuries occurring after the member has become an insolvent member, if the employee makes timely claim for those payments according to procedures set forth by a court of competent jurisdiction over the delinquency or bankruptcy proceedings of the insolvent member. Such obligation includes only that amount due the injured worker or workers of the insolvent member under chapter 15 of Title 34 of the Revised Statutes. In no event is the association obligated to a claimant in an amount in excess of the obligation of the insolvent member. The association shall be deemed the insolvent member for purposes of chapter 15 of Title 34 of the Revised Statutes to the extent of its obligation on the covered claims and, to that extent, shall have all rights, duties and obligations of the insolvent member as if the member had not become insolvent. However, in no event shall the association be liable for any penalties or interest or for compensation payments which were due before the member became an insolvent member.

b. The association may:

(1) Employ or retain those persons necessary to handle claims and perform other duties of the association.

(2) Borrow funds necessary to effect the purposes of this act in accordance with the plan of operation.

(3) Sue or be sued.

(4) Negotiate and become a party to those contracts as are necessary to carry out the purposes of this act.

(5) Purchase reinsurance as it determines necessary pursuant to the plan of operation.

(6) Review all applicants for membership in the association. Prior to a final determination by the department as to whether or not to approve any applicant for membership in the association, the association may issue opinions to the department concerning any applicant, which opinions shall be considered by the department prior to any final determination.

(7) Charge fees to any member of the association to cover the actual costs of examining the financial condition of that member.

(8) Charge an applicant for membership in the association a fee sufficient to cover the actual costs of examining the financial condition of the applicant.

c. (1) To the extent necessary to secure funds for the payment of covered claims and also to pay the reasonable costs to administer them, the association shall levy assessments on its members. The assessment charged to each member shall be in the proportion that the member's compensation payments during the 12-month period ending on the June 30th immediately preceding the date of the assessment bear to the total compensation payments made by all members during that period. The assessment levied against any member in any one year shall be in an amount not exceeding 1.5 percent of the total compensation paid by the member during the 12-month period ending on the June 30th immediately preceding the date of the assessment, except that the association shall increase the assessment to not more than two percent each year as needed to establish and sustain a prefunded reserve of $1,000,000. Assessments shall be administered by the board of directors in the manner specified by the plan of operation. Each member so assessed shall have at least 30 days' written notice as to the date the assessment is due and payable. The association shall levy assessments against any newly admitted member of the association so that the basis of contribution of any newly admitted member is the same as previously admitted members, provision for which shall be contained in the plan of operation.

(2) If, in any one year, funds available from such assessments, together with funds previously raised, are not sufficient to make all the payments or reimbursements then owing, the funds available shall be prorated, and the unpaid portion shall be paid as soon thereafter as sufficient additional funds become available.

(3) No State funds of any kind shall be allocated or paid to the association or any of its accounts.

d. The association shall make every reasonable effort and undertake all appropriate actions to obtain from an insolvent member whatever funds are needed to pay compensation due to employees of the insolvent member.

C.34:15-120.19 Insolvency Fund.

5. Upon the adoption of a plan of operation or the adoption of rules by the commissioner pursuant to subsection a. of section 6 of this act, there shall be created an Insolvency Fund to be managed by the association.

a. The Insolvency Fund is created for purposes of meeting the obligations of insolvent members incurred while members of the association and other insolvent self-insurers as provided in section 15 of this act and after the exhaustion of any bond, as required under chapter 15 of Title 34 of the Revised Statutes. However, if the bond, surety, or reinsurance policy is payable to the association, the association shall commence to provide benefits out of the fund and be reimbursed from the bond, surety, or reinsurance policy. The method of operation of the fund shall be defined in the plan of operation pursuant to section 6 of this act.

b. The department shall have the authority to audit the financial soundness of the fund annually.

c. The commissioner may offer certain amendments to the plan of operation to the board of directors for purposes of assuring the ongoing financial soundness of the fund and its ability to meet the obligations of this act.

d. The department actuary may make recommendations to improve the orderly payment of claims.

C.34:15-120.20 Plan of operation.

6. a. (1) Within one year of the effective date of this act, the board of directors shall submit to the commissioner a proposed plan of operation for the fair, reasonable and equitable administration of the association and the fund. The plan of operation, and any amendments thereto, shall take effect upon approval in writing by the commissioner.

(2) If the board of directors fails to submit a plan within one year of the effective date of this act, or thereafter fails to submit any acceptable amendments to the plan, the commissioner shall promulgate the rules necessary to effectuate the provisions of this section. The rules shall continue in force until modified by the commissioner or superseded by a plan submitted by the board of directors and approved by the commissioner.

b. The plan of operation shall establish the programs necessary to protect against the insolvency of a member of the association and shall provide that the members of the association shall be responsible for maintaining an adequate fund to meet the obligations of insolvent members and other insolvent self-insurers provided for under this act and the board of directors is authorized to contract and employ those persons with the necessary expertise to carry out these stated purposes.

c. All member employers shall comply with the plan of operation.

d. The plan of operation shall:

(1) Establish the procedures whereby all the powers and duties of the association under sections 4 and 15 of this act will be performed.

(2) Establish procedures for handling assets of the association.

(3) Establish the amount and method of reimbursing members of the board of directors under section 3 of this act.

(4) Establish procedures and standards for determining the insolvency of member employers pursuant to the provisions of this act.

(5) Establish procedures by which claims may be filed with the association and establish acceptable forms of proof of covered claims. Notice of claims to the receiver or liquidator of the insolvent member shall be deemed notice to the association or its agent, and a list of those claims shall be submitted periodically to the association or similar organization in another state by the receiver or liquidator.

(6) Establish regular places and times for meetings of the board of directors.

(7) Establish procedures for records to be kept of all financial transactions of the association and its agents and the board of directors.

(8) Provide that any member employer aggrieved by any final action or decision of the association may appeal to the department within 30 days after the action or decision.

(9) Establish the procedures whereby recommendations of candidates for the board of directors shall be submitted to the commissioner.

(10) Contain additional provisions necessary or proper for the execution of the powers and duties of the association.

e. The plan of operation may provide that any or all of the powers and duties of the association, except those specified under paragraphs (1), (2) and (4) of subsection d. of this section, be delegated to a corporation, association, or other organization which performs or will perform functions similar to those of this association or its equivalent in two or more states. Such a corporation, association, or organization shall be reimbursed as a servicing facility would be reimbursed and shall be paid for its performance of any other functions of the association. A delegation of powers or duties under this subsection shall take effect only with the approval of both the board of directors and the commissioner and may be made only to a corporation, association, or organization which extends protection which is not substantially less favorable and effective than the protection provided by this act.

C.34:15-120.21 Written notice of bankruptcy proceedings, determination of insolvency.

7. a. A member employer which files for relief in bankruptcy under Title 11 of the United States Code, 11 U.S.C. §101 et seq.; or against which involuntary bankruptcy proceedings are filed under that title; or for which a receiver is appointed by a court of competent jurisdiction, shall file written notice of that fact with the commissioner and the board of directors of the association within 30 days of the occurrence of such an event.

b. Upon receipt of the notice required by subsection a. of this section, the board shall review the member employer's ability to pay compensation pursuant to R.S.34:15-77 and make a determination as to insolvency. If the board determines at any time that the member employer is insolvent, it shall notify the commissioner and the members of the association not later than three business days after the determination of insolvency.

C.34:15-120.22 Powers of department.

8. The department may:

a. Require that the association notify other interested parties of the determination of insolvency and of their rights under this act. Notification shall be by mail at the last known address thereof when available; but, if sufficient information for notification by mail is not available, notice by publication in a newspaper of general circulation shall be sufficient.

b. Suspend or revoke the authority of any member employer failing to pay an assessment when due or failing to comply with the plan of operation to self-insure in this State. As an alternative, the department may levy a fine on any member employer failing to pay an assessment when due. Such fine shall not exceed five percent of the unpaid assessment per month, except that no fine shall be less than $100 per month.

C.34:15-120.23 Assignment of rights to association.

9. a. Any person who recovers from the association under this act shall be deemed to have assigned his rights to the association to the extent of that recovery. Every claimant seeking the protection of this act shall cooperate with the association to the same extent as that person would have been required to cooperate with the insolvent member. The association shall have no cause of action against the employee of the insolvent member for any sums the association has paid out, except those causes of action which the insolvent member would have had if the sums had been paid by the insolvent

member. In the case of an insolvent member operating with assessment liability, payments of claims by the association shall not operate to reduce the liability of the insolvent member to the receiver, liquidator, or statutory successor for unpaid assessments.

b. The receiver, liquidator, or statutory successor of an insolvent member shall be bound by settlements of covered claims by the association or a similar organization in another state. The court having jurisdiction shall grant those claims priority against the assets of the insolvent member equal to that to which the claimant would have been entitled in the absence of this act. The expense of the association or similar organization in handling claims shall be accorded the same priority as the expenses of the liquidator.

c. The association shall file periodically with the receiver or liquidator of the insolvent member statements of the covered claims paid by the association and estimates of anticipated claims on the association, which shall preserve the rights of the association against the assets of the insolvent member.

C.34:15-120.24 Detection, prevention of employer insolvencies.

10. To aid in the detection and prevention of employer insolvencies:

a. Upon determination by majority vote of the membership of the board that any member employer may be insolvent or in a financial condition hazardous to the employees thereof or to the public, it shall be the duty of the board of directors to notify the department of any information indicating that condition.

b. The board of directors may, upon majority vote of the membership of the board, request that the department determine the condition of any member employer which the board in good faith believes may no longer be qualified to be a member of the association. Within 30 days of the receipt of that request or, for good cause shown, within a reasonable time thereafter, the department shall make such determination and shall forthwith advise the board of its findings. Each request for a determination shall be kept on file by the department, but the request shall not be open to public inspection prior to the release of the determination to the public.

c. It shall also be the duty of the department to report to the board of directors when it has reasonable cause to believe that a member employer may be in such a financial condition as to be no longer qualified to be a member of the association.

d. The board of directors may, upon majority vote of the membership of the board, make reports and recommendations to the department upon any matter which is germane to the solvency, liquidation, rehabilitation, or conservation of any member employer. Such reports and recommendations shall not be considered public documents.

e. The board of directors may, upon majority vote of the membership of the board, make recommendations to the department for the detection and prevention of employer insolvencies.

f. The board of directors shall, at the conclusion of any member's insolvency in which the association was obligated to pay covered claims, prepare a report on the history and cause of that insolvency, based on the information available to the association, and shall submit that report to the department.

C.34:15-120.25 Examination, regulation of association.

11. The association shall be subject to examination and regulation by the department. No later than March 30 of each year, the board of directors shall submit a financial report for the preceding calendar year in a form approved by the department.

C.34:15-120.26 Immunity from liability.

12. There shall be no liability on the part of, and no cause of action of any nature shall arise against, any member employer, the association or its agents or employees, the board of directors, or the department or its representatives for any action or omission by them in the performance of their powers and duties under this act.

C.34:15-120.27 Stay of proceedings.

13. a. All proceedings in which an insolvent member is a party, or is obligated to defend a party, in any court or before any quasi-judicial body or administrative board in this State shall be stayed for up to six months, or for such additional period from the date the member becomes insolvent, as is deemed necessary by a court of competent jurisdiction to permit proper defense by the association of all pending causes of action as to any covered claims arising from a judgment under any decision, verdict, or finding based on the default of the insolvent member. The association, either on its own behalf or on behalf of the insolvent member, may apply to have that judgment, order, decision, verdict or finding set aside by the same court or administrator that made that judgment, order, decision, verdict or finding and shall be permitted to defend against that claim on the merits. If requested by the association, the stay of proceedings may be shortened or waived.

b. In any proceeding in bankruptcy in which the payment of benefits has been stayed, the association shall appear and move to lift the stay so that the orderly administration of claims can proceed.

C.34:15-120.28 Deadline for filing claims.

14. Notwithstanding any other provision of chapter 15 of Title 34 of the Revised Statutes, a covered claim, as defined therein, with respect to which settlement is not effected and pursuant to which suit is not instituted against the insured of an insolvent member or the association within one year after the deadline for filing claims with the receiver of the insolvent member, or any extension of the deadline, shall thenceforth be barred as a claim against the association.

C.34:15-120.29 Additional obligations of association.

15. In addition to its obligation to pay compensation to the employees of insolvent members pursuant to section 4 of this act, the association shall be obligated for payment of compensation under chapter 15 of Title 34 of the Revised Statutes to the employees of any self-insurer declared to be insolvent by a court of competent jurisdiction on or after October 1, 1990, but prior to the effective date of this act, as if that self-insurer were an insolvent member subject to the provisions of this act.

C.34:15-120.30 Construction of act.

16. This act shall not be construed as reducing, to any degree or in any way, the responsibility of the commissioner to exercise caution in authorizing any employer to become a self-insured employer, or the commissioner's responsibility to require guarantees, reserve funds, surety bonds or partial insurance as needed to provide adequate assurance of the employer's ability to pay compensation pursuant to R.S.34:15-77. The purpose of the association is to provide an assurance of the payment of workers' compensation to the employees of insolvent members, not to exempt any employer, even an insolvent employer, from the responsibility to provide workers' compensation to victims of workplace injury or illness, or to reduce, to any degree or in any way, the responsibility of a self-insured employer to provide appropriate guarantees, funds, bonds or other assurances that compensation will be available pursuant to R.S.34:15-77.

17. This act shall take effect immediately.

Approved April 16, 1993.

CHAPTER 108

AN ACT providing for employee tax incentives for participation in ride-sharing programs, amending N.J.S.54A:7-2 and supplementing Title 54A of the New Jersey Statutes.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

C.54A:6-23 Commuter transportation benefits not considered gross income.

1. a. For the purposes of the "New Jersey Gross Income Tax Act," N.J.S.54A:1-1 et seq., "gross income" shall not include employer provided commuter transportation benefits as defined pursuant to section 3 of P.L.1992, c.32 (C.27:26A-3), up to and including the limit per taxable year per employee pursuant to subsection b. of this section. Should an employee receive commuter transportation benefits in excess of those limits in a taxable year, only the amount in excess of those limits shall be included in gross income. If an employee receives money towards commuter transportation benefits from the employee's employer, as an advance, a reimbursement, or both, the employee shall furnish suitable proof to the employer in the form of receipts, ticket stubs or the like that the employee used the employer provided money for alternative means of commuting as defined pursuant to section 3 of P.L.1992, c.32 (C.27:26A-3).

b. The limit per taxable year per employee shall be $720 for the taxable years beginning on and after January 1, 1993 but before January 1, 1994. For taxable years thereafter, the director shall adjust the limit, rounded down to the nearest $5, in proportion to the change in the average consumer price index for all urban consumers in the New York and Northeastern New Jersey and the Philadelphia areas, as reported by the United States Department of Labor, from calendar year 1993 to the calendar year ending immediately before the taxable year.

c. The exclusion provided by subsection a. of this section shall not apply to any commuter transportation benefit unless such benefit is provided in addition to and not in lieu of any compensation otherwise payable to the employee.

2. N.J.S.54A:7-2 is amended to read as follows:

Information statement for employee or recipient of other payments.

54A:7-2. Information statement for employee or recipient of other payments. Every employer or payor of a pension or annuity required to deduct and withhold tax under this act from the wages of an employee or from the payment of a pension or annuity, or an employer who would have been required so to deduct and withhold tax if an employee had claimed no more than one withholding exemption, shall furnish to each such employee, or pension or annuity recipient or the estate thereof, in respect of the wages or pension or annuity payments paid by such employer or payor to such employee or pension or annuity recipient during the calendar year on or before February 15 of the succeeding year, or, if his employment or pension or annuity is terminated before the close of such calendar year, within 30 days from the date on which the last payment of the wages or pension or annuity is made, a written statement as prescribed by the director showing the amount of wages or pension or annuity payments paid by the employer or payor to the employee or pension or annuity recipient, the cost of commuter transportation benefits, as defined pursuant to section 3 of P.L.1992, c.32 (C.27:26A-3), excludable by the employee pursuant to section 1 of P.L.1993, c.108 (C.54A:6-23), and the cost of such benefits not so excludable, provided by the employer to the employee, the amount deducted and withheld as tax, the amount deducted and withheld as worker contributions for unemployment and disability insurance as provided under the New Jersey Unemployment Compensation Law, and such other information as the director shall prescribe.

3. This act shall take effect immediately, and the gross income tax exclusion authorized in section 1 shall be applicable to taxable years beginning on and after January 1, 1993.

Approved April 16, 1993.

CHAPTER 109

AN ACT concerning the purchase of recycled paper and products made from recycled materials by the State, and amending and supplementing P.L.1987, c.102.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. Section 2 of P.L.1987, c.102 (C.13:1E-99.12) is amended to read as follows:

C.13:1E-99.12 Definitions.

2. As used in sections 1 through 24 and sections 40 and 41 of P.L.1987, c.102 (C.13:1E-99.11 through 13:1E-99.32 and 13:1E-99.33 and 13:1E-99.34):

"Agricultural or horticultural land" means land deemed actively devoted to agricultural or horticultural use pursuant to the "Farmland Assessment Act of 1964," P.L.1964, c.48 (C.54:4-23.1 et seq.);

"Beverage" means milk, alcoholic beverages, including beer or other malt beverages, liquor, wine, vermouth and sparkling wine, and nonalcoholic beverages, including fruit juice, mineral water and soda water and similar nonalcoholic carbonated and noncarbonated drinks intended for human consumption;

"Beverage container" means an individual, separate, hermetically sealed, or made airtight with a metal or plastic cap, bottle or can composed of glass, metal, plastic or any combination thereof, containing a beverage;

"Commingled" means a combining of nonputrescible source separated recyclable materials for the purpose of recycling;

"County" means any county of this State of whatever class;

"Department" means the Department of Environmental Protection;

"Designated recyclable materials" means those recyclable materials, including metal, glass, paper, or plastic, food waste, corrugated and other cardboard, newspaper, magazines, or high-grade office paper designated in a district recycling plan to be source separated in a municipality pursuant to section 3 of P.L.1987, c.102 (C.13:1E-99.13);

"Disposition" or "disposition of designated recyclable materials" means the transportation, placement, reuse, sale, donation, transfer or temporary storage for a period not exceeding six months of designated recyclable materials for all possible uses except for disposal as solid waste;

"District" means a solid waste management district as designated by section 10 of P.L.1975, c.326 (C.13:1E-19), except that, as used in the provisions of P.L.1987, c.102 (C.13:1E-99.11 et seq.), "district" shall not include the Hackensack Meadowlands District;

"District recycling plan" means the plan prepared and adopted by the governing body of a county and approved by the department to implement the State Recycling Plan goals pursuant to section 3 of P.L.1987, c.102 (C.13:1E-99.13);

"Leaf composting facility" means a solid waste facility which is designed and operated solely for the purpose of composting leaves and shall also include leaf mulching operations on land deemed actively devoted to agricultural or horticultural use as defined in section 5 of P.L.1964, c.48 (C.54:4-23.5);

"Market" or "markets" means the disposition of designated recyclable materials;

"Municipality" means any city, borough, town, township or village situated within the boundaries of this State;

"Municipal solid waste stream" means all residential, commercial and institutional solid waste generated within the boundaries of any municipality;

"Paper" means all paper grades, including but not limited to, newspaper, corrugated and other cardboard, high-grade office paper, fine paper, bond paper, offset paper, xerographic paper, mimeo paper, duplicator paper, and related types of cellulosic material containing not more than 10% by weight or volume of non-cellulosic material such as laminates, binders, coatings, or saturants;

"Paper product" means any paper items or commodities, including but not limited to, paper napkins, towels, construction material, toilet tissue, paper and related types of cellulosic products containing not more than 10% by weight or volume of non-cellulosic material such as laminates, binders, coatings, or saturants;

"Plastic container" means any hermetically sealed, or made airtight with a metal or plastic cap, container with a minimum wall thickness of not less than 0.010 inches, and composed of thermoplastic synthetic polymeric material;

"Post-consumer waste material" means any finished product generated by a business or consumer which has served its intended end use, and which has been separated from solid waste for the purposes of collection, recycling and disposition and which does not include secondary waste material;

"Recognized academic institution" means any of the following educational or research institutions located in this State: a duly authorized institution of higher education licensed by the Board of Higher Education; a public school operated by a local school district; a private vocational school; or a nonpublic school satisfying the State's compulsory attendance requirements;

"Recyclable material" means those materials which would otherwise become solid waste, and which may be collected, separated or processed and returned to the economic mainstream in the form of raw materials or products;

"Recycled paper" means any paper having a total weight consisting of not less than 50% secondary waste paper material and with not less than 10% of its total weight consisting of post-consumer waste material;

"Recycled paper product" means any paper product consisting of not less than 50% secondary waste paper material and with not less than 10% of its total weight consisting of post-consumer waste material;

"Recycled product" or "product made from recycled material" means any nonpaper item or commodity which is manufactured or produced in whole or in part from post-consumer waste material;

"Recycling" means any process by which materials which would otherwise become solid waste are collected, separated or processed and returned to the economic mainstream in the form of raw materials or products;

"Recycling center" means any facility designed and operated solely for receiving, storing, processing or transferring source separated recyclable materials; except that "recycling center" shall not include a scrap processing facility;

"Recycling services" means the services provided by persons engaging in the business of recycling, including the collection, transportation, processing, storage, purchase, sale or disposition, or any combination thereof, of recyclable materials;

"Scrap processing facility" means a commercial industrial facility designed and operated for receiving, storing, processing and transferring source separated, nonputrescible ferrous and nonferrous metal, which materials are purchased by the owner or operator thereof, and which are altered or reduced in volume or physical characteristics onsite by mechanical methods, including but not limited to baling, cutting, torching, crushing, or shredding, for the purposes of resale for remelting, refining, smelting or remanufacturing into raw materials or products;

"Secondary waste material" means waste material generated after the completion of a manufacturing process;

"Secondary waste paper material" means paper waste generated after the completion of a paper making process, such as envelope cuttings, bindery trimmings, printing waste, cutting and other converting waste, butt rolls and mill wrappers; except that secondary waste paper material shall not include fibrous waste generated during the manufacturing process, such as fibers recovered from waste water or trimmings of paper machine rolls, fibrous byproducts of harvesting, extractive or woodcutting processes, or forest residue such as bark, or mill broke;

"Source separated recyclable materials" means recyclable materials which are separated at the point of generation by the generator thereof from solid waste for the purposes of recycling;

"Vegetative waste composting facility" means a solid waste facility which is designed and operated for the purpose of composting leaves, either exclusively or in combination with other vegetative wastes authorized by the department.

2. Section 16 of P.L.1987, c.102 (C.13:1E-99.24) is amended to read as follows:

C.13:1E-99.24 Purchase of recycled paper, products; review of bid specs.

16. a. The provisions of P.L.1971, c.257 (C.52:34-21 et seq.) or any rules and regulations adopted pursuant thereto to the contrary notwithstanding, the Director of the Division of Purchase and Property in the Department of the Treasury shall, upon consultation with the department, review and modify all bid and product specifications relating to the purchase of recycled paper or recycled paper products so that the specifications do not discriminate against, but encourage the maximum purchase of products made from recycled paper or recycled paper products. Preference shall be given to recycled paper or recycled paper products with the highest percentage of post-consumer waste material.

b. The provisions of P.L.1971, c.257 (C.52:34-21 et seq.) or any rules and regulations adopted pursuant thereto to the contrary notwithstanding, the Director of the Division of Purchase and Property shall, upon consultation with the department, review and modify all bid and product specifications relating to the purchase of nonpaper finished products or supplies, so that the specifications do not discriminate against, but encourage the maximum purchase of products made from recycled material. Preference shall be given to recycled products with the highest percentage of post-consumer waste material.

3. Section 17 of P.L.1987, c.102 (C.13:1E-99.25) is amended to read as follows:

C.13:1E-99.25 Contracts for recycled paper, products.

17. a. In purchasing any paper or paper products for use by the various agencies and departments of the State government or for any county, municipality or school district pursuant to P.L.1969, c.104 (C.52:25-16.1 et al.), the Director of the Division of Purchase and Property, whenever the price is competitive and the

quality satisfactory for the purpose intended, shall make contracts available for those items which are manufactured or produced from recycled paper or recycled paper products. For the purposes of this section, "competitive" means a price no more than 10% above the price of items which are manufactured or produced from virgin paper products; except that the director, upon consultation with the department, may make contracts available for recycled paper or recycled paper products at a price no more than 15% above the price of virgin paper products whenever the director determines that a 15% price preference is in the best interest of the State.

b. The Director of the Division of Purchase and Property, after formal advertisement and solicitation of proposals for recycled paper or recycled paper products, and having received no competitive proposals for recycled paper or recycled paper products, may award the contract for paper or paper products manufactured or produced from virgin paper products in the manner prescribed by law. Any award or contract made for virgin paper products shall not relieve the director of any future obligation to make available contracts for recycled paper or recycled paper products as provided in subsection a. of this section.

4. Section 19 of P.L.1987, c.102 (C.13:1E-99.27) is amended to read as follows:

C.13:1E-99.27 Increasing percentage of recycled paper.

19. a. (1) On or after December 1, 1992, not less than 55% of the total dollar amount of paper or paper products purchased by the State shall be made from recycled paper or recycled paper products having a total weight consisting of not less than 50% secondary waste paper material and with not less than 10% of its total weight consisting of post-consumer waste material.

(2) On or after July 1, 1993, not less than 60% of the total dollar amount of paper or paper products purchased by the State shall be made from recycled paper or recycled paper products having a total weight consisting of not less than 50% secondary waste paper material and with not less than 15% of its total weight consisting of post-consumer waste material.

(3) On or after January 1, 1995, not less than 65% of the total dollar amount of paper or paper products purchased by the State shall be made from recycled paper or recycled paper products having a total weight consisting of not less than 50% secondary waste paper material and with not less than 25% of its total weight consisting of post-consumer waste material; except that high-grade

office paper, fine paper, bond paper, offset paper, xerographic paper, mimeo paper and duplicator paper shall be made from recycled paper having a total weight consisting of not less than 50% secondary waste paper material and with not less than 15% of its total weight consisting of post-consumer waste material.

Priority procurement consideration shall be given to recycled paper or recycled paper products with the highest percentage of post-consumer waste material.

b. The Director of the Division of Purchase and Property, after formal advertisement and solicitation of proposals for recycled paper or recycled paper products, and having received no competitive proposals for recycled paper or recycled paper products, may award the contract for paper or paper products manufactured or produced from virgin paper products in the manner prescribed by law. Any award or contract made for virgin paper products shall not relieve the director of any future obligation to purchase recycled paper or recycled paper products as provided in subsection a. of this section. For the purposes of this section, "competitive" means a price no more than 10% above the price of items which are manufactured or produced from virgin paper products; except that the director, upon consultation with the department, may make contracts available for recycled paper or recycled paper products at a price no more than 15% above the price of virgin paper products whenever the director determines that a 15% price preference is in the best interest of the State.

C.13:1E-99.27a Contracts for purchase of recycled nonpaper products.

5. In purchasing any nonpaper finished products or supplies for use by the various agencies and departments of the State government or for any county, municipality or school district pursuant to P.L.1969, c.104 (C.52:25-16.1 et al.), the Director of the Division of Purchase and Property, upon consultation with the department, may make contracts available for those products or supplies made from recycled material whenever the director determines that such items meet performance standards set forth in applicable product specifications and are available at a reasonable price. For the purposes of this section, "reasonable" means a price no more than 15% above the price of items which are manufactured or produced from raw materials.

Preference shall be given to recycled products with the highest percentage of post-consumer waste material.

6. This act shall take effect immediately.

Approved April 22, 1993.

CHAPTER 110

AN ACT concerning child support enforcement and supplementing Chapter 17 of Title 2A of the State of New Jersey Statutes

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

C.2A:17-56.27 Short title.

1. This act shall be known and may be cited as the "Child Support Collection Reform Act."

C.2A:17-56.28 Findings, declarations.

2. The Legislature finds and declares that:

a. There is a direct correlation between children receiving AFDC benefits and non-payment of child support obligations.

b. Based on the 1992 Kids Count Report for New Jersey evidencing the increased number of children on welfare and living in poverty, it is necessary to make child support collections a major priority and expedite these collections through more efficient means.

c. The number of AFDC cases and the number of those cases that can benefit from expedited and more efficient child support collection is about 31,500.

d. It is the intent of this legislation that the State establish a pilot project whereby private collection agencies would be responsible for collecting outstanding child support in order to study the possibility that this method of collection may be the more effective way for the State to deal with the problem of delinquent child support.

C.2A:17-56.29 Pilot project for collection of child support arrearages by private collection agency.

3. a. The Commissioner of Human Services shall establish a pilot project in three counties whereby the county probation department shall enter into a contract with a private collection agency for the purpose of collecting from an obligor, any arrearage of child support owed to a custodial parent that has not been paid for the past six months. Cases forwarded to the private collection agency shall include those whose arrearages have been outstanding for at least 18 months, but not more than 10% of the cases shall be delinquent for more than 18 months.

b. The obligor parent shall be responsible for payment of the private collection agency fee, which fee shall be a percentage of the amount collected in the contract.

c. Once an obligor parent becomes current on his child support payment and has established a regular payment schedule for at least four months, the case shall be referred back to the county probation department.

d. The county probation department shall be required to provide a listing of all outstanding cases of child support to the private collection agency under contract to collect the arrearage. Any arrearage collected by the private collection agency shall be forwarded to the county probation department for disbursement to the custodial parent. The disbursement shall not exceed 10 calendar days from the date of receipt by the probation department. The contract shall be made and awarded pursuant to the provisions of the "Local Public Contracts Law," P.L.1971, c.198 (C.40A:11-1 et seq.).

C.2A:17-56.30 Establishment, monitoring, evaluation of pilot project.

4. The pilot project shall be established in Camden, Essex and Hudson counties. The commissioner shall monitor and evaluate the pilot project during the first year after its establishment and determine whether the use of private collection agencies should be used throughout the State. The commissioner shall also evaluate the feasibility of establishing a centralized data base which would coordinate the activities of the Department of Human Services and the Administrative Office of the Courts.

C.2A:17-56.31 Adoption of standards.

5. The Administrative Office of the Courts, in consultation with the Department of Human Services, shall adopt standards concerning the qualifications and responsibilities of private collection agencies that may enter into contracts with the probation departments and the contract provisions, including maximum fees that can be charged. The contracts shall comply with all applicable federal program requirements.

C.2A:17-56.32 Application for waivers.

6. The Department of Human Services shall apply for any waivers from the federal government which are necessary for approval and implementation of this act.

C.2A:17-56.33 Annual report to Governor, Legislature.

7. The Department of Human Services, in conjunction with the Administrative Office of the Courts, shall submit an annual report to the Governor and the Legislature by December 31 of each year about the pilot project. This report shall contain, but not be limited to:

a. The number of cases referred by the probation departments to the collection agency;

b. The dollar amount of each outstanding case;

c. The number of cases in which an arrearage was collected and the dollar amount collected;

d. The number of uncollected cases and the dollar amount represented by those cases; and

e. An assessment of the success of the pilot project and the feasibility of establishing the use of private collection agencies Statewide.

8. This act shall take effect immediately.

Approved April 29, 1993.

CHAPTER 111

AN ACT concerning the death penalty and amending N.J.S.2C:11-3.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. N.J.S.2C:11-3 is amended to read as follows:

Murder.

2C:11-3. Murder. a. Except as provided in N.J.S.2C:11-4 criminal homicide constitutes murder when:

(1) The actor purposely causes death or serious bodily injury resulting in death; or

(2) The actor knowingly causes death or serious bodily injury resulting in death; or

(3) It is committed when the actor, acting either alone or with one or more other persons, is engaged in the commission of, or an attempt to commit, or flight after committing or attempting to commit robbery, sexual assault, arson, burglary, kidnapping or criminal escape, and in the course of such crime or of immediate flight therefrom, any person causes the death of a person other than one of the participants; except that in any prosecution under this subsection, in which the defendant was not the only participant in the underlying crime, it is an affirmative defense that the defendant:

(a) Did not commit the homicidal act or in any way solicit, request, command, importune, cause or aid the commission thereof; and

(b) Was not armed with a deadly weapon, or any instrument, article or substance readily capable of causing death or serious physical injury and of a sort not ordinarily carried in public places by law-abiding persons; and

(c) Had no reasonable ground to believe that any other participant was armed with such a weapon, instrument, article or substance; and

(d) Had no reasonable ground to believe that any other participant intended to engage in conduct likely to result in death or serious physical injury.

b. Murder is a crime of the first degree but a person convicted of murder shall be sentenced, except as provided in subsection c. of this section, by the court to a term of 30 years, during which the person shall not be eligible for parole or to a specific term of years which shall be between 30 years and life imprisonment of which the person shall serve 30 years before being eligible for parole.

c. Any person convicted under subsection a. (1) or (2) who committed the homicidal act by his own conduct; or who as an accomplice procured the commission of the offense by payment or promise of payment of anything of pecuniary value; or who, as a leader of a narcotics trafficking network as defined in N.J.S.2C:35-3 and in furtherance of a conspiracy enumerated in N.J.S.2C:35-3, commanded or by threat or promise solicited the commission of the offense, shall be sentenced as provided hereinafter:

(1) The court shall conduct a separate sentencing proceeding to determine whether the defendant should be sentenced to death or pursuant to the provisions of subsection b. of this section.

Where the defendant has been tried by a jury, the proceeding shall be conducted by the judge who presided at the trial and before the jury which determined the defendant's guilt except that, for good cause, the court may discharge that jury and conduct the proceeding before a jury empaneled for the purpose of the proceeding. Where the defendant has entered a plea of guilty or has been tried without a jury, the proceeding shall be conducted by the judge who accepted the defendant's plea or who determined the defendant's guilt and before a jury empaneled for the purpose of the proceeding. On motion of the defendant and with consent of the prosecuting attorney the court may conduct a proceeding without a jury. Nothing in this subsection shall be construed to prevent the participation of an alternate juror in the sentencing proceeding if one of the jurors who rendered the guilty verdict becomes ill or is otherwise unable to proceed before or during the sentencing proceeding.

(2) (a) At the proceeding, the State shall have the burden of establishing beyond a reasonable doubt the existence of any aggravating factors set forth in paragraph (4) of this subsection. The defendant shall have the burden of producing evidence of the existence of any mitigating factors set forth in paragraph (5) of this subsection but shall not have a burden with regard to the establishment of a mitigating factor.

(b) The admissibility of evidence offered by the State to establish any of the aggravating factors shall be governed by the rules governing the admission of evidence at criminal trials. The defendant may offer, without regard to the rules governing the admission of evidence at criminal trials, reliable evidence relevant to any of the mitigating factors. If the defendant produces evidence in mitigation which would not be admissible under the rules governing the admission of evidence at criminal trials, the State may rebut that evidence without regard to the rules governing the admission of evidence at criminal trials.

(c) Evidence admitted at the trial, which is relevant to the aggravating and mitigating factors set forth in paragraphs (4) and (5) of this subsection, shall be considered without the necessity of reintroducing that evidence at the sentencing proceeding; provided that the fact finder at the sentencing proceeding was present as either the fact finder or the judge at the trial.

(d) The State and the defendant shall be permitted to rebut any evidence presented by the other party at the sentencing proceeding and to present argument as to the adequacy of the evidence to establish the existence of any aggravating or mitigating factor.

(e) Prior to the commencement of the sentencing proceeding, or at such time as he has knowledge of the existence of an aggravating factor, the prosecuting attorney shall give notice to the defendant of the aggravating factors which he intends to prove in the proceeding.

(f) Evidence offered by the State with regard to the establishment of a prior homicide conviction pursuant to paragraph (4) (a) of this subsection may include the identity and age of the victim, the manner of death and the relationship, if any, of the victim to the defendant.

(3) The jury or, if there is no jury, the court shall return a special verdict setting forth in writing the existence or nonexistence of each of the aggravating and mitigating factors set forth in paragraphs (4) and (5) of this subsection. If any aggravating factor is

found to exist, the verdict shall also state whether it outweighs beyond a reasonable doubt any one or more mitigating factors.

(a) If the jury or the court finds that any aggravating factors exist and that all of the aggravating factors outweigh beyond a reasonable doubt all of the mitigating factors, the court shall sentence the defendant to death.

(b) If the jury or the court finds that no aggravating factors exist, or that all of the aggravating factors which exist do not outweigh all of the mitigating factors, the court shall sentence the defendant pursuant to subsection b.

(c) If the jury is unable to reach a unanimous verdict, the court shall sentence the defendant pursuant to subsection b.

(4) The aggravating factors which may be found by the jury or the court are:

(a) The defendant has been convicted, at any time, of another murder. For purposes of this section, a conviction shall be deemed final when sentence is imposed and may be used as an aggravating factor regardless of whether it is on appeal;

(b) In the commission of the murder, the defendant purposely or knowingly created a grave risk of death to another person in addition to the victim;

(c) The murder was outrageously or wantonly vile, horrible or inhuman in that it involved torture, depravity of mind, or an aggravated assault to the victim;

(d) The defendant committed the murder as consideration for the receipt, or in expectation of the receipt of anything of pecuniary value;

(e) The defendant procured the commission of the offense by payment or promise of payment of anything of pecuniary value;

(f) The murder was committed for the purpose of escaping detection, apprehension, trial, punishment or confinement for another offense committed by the defendant or another;

(g) The offense was committed while the defendant was engaged in the commission of, or an attempt to commit, or flight after committing or attempting to commit murder, robbery, sexual assault, arson, burglary or kidnapping;

(h) The defendant murdered a public servant, as defined in N.J.S.2C:27-1, while the victim was engaged in the performance of his official duties, or because of the victim's status as a public servant; or

(i) The defendant: (i) as a leader of a narcotics trafficking network as defined in N.J.S.2C:35-3 and in furtherance of a conspiracy enumerated in N.J.S.2C:35-3, committed, commanded or by threat or promise solicited the commission of the offense or

(ii) committed the offense at the direction of a leader of a narcotics trafficking network as defined in N.J.S.2C:35-3 in furtherance of a conspiracy enumerated in N.J.S.2C:35-3.

(5) The mitigating factors which may be found by the jury or the court are:

(a) The defendant was under the influence of extreme mental or emotional disturbance insufficient to constitute a defense to prosecution;

(b) The victim solicited, participated in or consented to the conduct which resulted in his death;

(c) The age of the defendant at the time of the murder;

(d) The defendant's capacity to appreciate the wrongfulness of his conduct or to conform his conduct to the requirements of the law was significantly impaired as the result of mental disease or defect or intoxication, but not to a degree sufficient to constitute a defense to prosecution;

(e) The defendant was under unusual and substantial duress insufficient to constitute a defense to prosecution;

(f) The defendant has no significant history of prior criminal activity;

(g) The defendant rendered substantial assistance to the State in the prosecution of another person for the crime of murder; or

(h) Any other factor which is relevant to the defendant's character or record or to the circumstances of the offense.

d. The sentencing proceeding set forth in subsection c. of this section shall not be waived by the prosecuting attorney.

e. Every judgment of conviction which results in a sentence of death under this section shall be appealed, pursuant to the Rules of Court, to the Supreme Court. Upon the request of the defendant, the Supreme Court shall also determine whether the sentence is disproportionate to the penalty imposed in similar cases, considering both the crime and the defendant. Proportionality review under this section shall be limited to a comparison of similar cases in which a sentence of death has been imposed under subsection c. of this section. In any instance in which the defendant fails, or refuses to appeal, the appeal shall be taken by the Office of the Public Defender or other counsel appointed by the Supreme Court for that purpose.

f. Prior to the jury's sentencing deliberations, the trial court shall inform the jury of the sentences which may be imposed pursuant to subsection b. of this section on the defendant if the defendant is not sentenced to death. The jury shall also be informed that a failure to reach a unanimous verdict shall result in sentencing by the court pursuant to subsection b.

g. A juvenile who has been tried as an adult and convicted of murder shall not be sentenced pursuant to the provisions of subsection c. but shall be sentenced pursuant to the provisions of subsection b. of this section.

h. In a sentencing proceeding conducted pursuant to this section, no evidence shall be admissible concerning the method or manner of execution which would be imposed on a defendant sentenced to death.

i. For purposes of this section the term "homicidal act" shall mean conduct that causes death or serious bodily injury resulting in death.

2. This act shall take effect immediately.

Approved May 5, 1993.

CHAPTER 112

AN ACT concerning the responsibility of secured parties and fiduciaries with respect to certain spills of hazardous substances and certain transfers of industrial facilities and supplementing P.L.1976, c.141 (C.58:10-23.11 et seq.) and P.L.1983, c.330 (C.13:1K-6 et seq.).

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

C.58:10-23.11g4 Definitions.

1. For purposes of sections 1 through 5 of this act:

"Active participation in the management" or "participation in the management" means actual participation in the management or operational affairs by the holder of the security interest and shall not include the mere capacity, or ability to influence, or the unexercised right to control vessel or facility operations.

(1) A holder of a security interest shall be considered to be in active participation in the management, while the borrower is still in possession, only if the holder either:

(a) exercises decision making control over the borrower's environmental compliance, such that the holder has undertaken responsibility for the borrower's waste disposal or hazardous substance handling practices; or

(b) exercises control at a level comparable to that of a manager of the borrower's enterprise, such that the holder has assumed or manifested responsibility for the overall management of the enterprise encompassing the day-to-day decision making of the enterprise with respect to:

(i) environmental compliance; or

(ii) all, or substantially all, of the operational (as opposed to financial or administrative) aspects of the enterprise other than environmental compliance. Operational aspects of the enterprise include functions such as that of facility or plant manager, operations manager, chief operating officer, or chief executive officer. Financial or administrative aspects include functions such as that of credit manager, accounts payable or receivable manager, or both, personnel manager, controller, chief financial officer, or similar functions.

(2) No act or omission prior to the time that indicia of ownership are held primarily to protect a security interest constitutes evidence of participation in management. A prospective holder who undertakes or requires an environmental inspection of the vessel or facility in which indicia of ownership are to be held, or requires a prospective borrower to clean up a vessel or facility or to comply or come into compliance (whether prior or subsequent to the time that indicia of ownership are held primarily to protect a security interest) with any applicable law or regulation, is not by such action considered to be participating in the vessel's or facility's management, provided however, that a holder shall not be required to conduct or require an inspection to qualify for the protection for holders granted pursuant to sections 1 through 5 of this act, and the liability of a holder shall not be based on or affected by the holder not conducting or not requiring an inspection.

(3) Actions that are consistent with holding ownership indicia primarily to protect a security interest do not constitute participation in management for purposes of sections 1 through 5 of this act. The authority for the holder to make such actions may, but need not, be contained in contractual or other documents specifying requirements for financial, environmental, and other warranties, covenants, conditions, representations or promises from the borrower. Loan policing and work out activities cover and include all activities up to foreclosure and its equivalents.

(a) A holder who engages in policing activities prior to foreclosure shall remain within the exemption provided that the holder does not by such actions participate in the management of the vessel or facility. Such actions include, but are not limited to, requiring the borrower to clean up the vessel or facility during the term of the security interest; requiring the borrower to comply or come into compliance with applicable federal, State, and local environmental and other laws, rules and regulations during the term of the security interest; securing or exercising authority to monitor or inspect the vessel or facility (including on-site inspections) in which indicia of ownership are maintained, or the borrower's business or financial conditions during the term of the security interest; or taking other actions to adequately police the loan or security interest (such as requiring a borrower to comply with any warranties, covenants, conditions, representations or promises from the borrower).

(b) A holder who engages in work out activities prior to foreclosure and its equivalents shall remain within the exemption provided that the holder does not by such action participate in the management of the vessel or facility. For purposes of this act, "work out" refers to those actions by which a holder, at any time prior to foreclosure and its equivalents, seeks to: prevent, cure, or mitigate a default by the borrower or obligor; or preserve or prevent the diminution of the value of the security. Work out activities include, but are not limited to: restructuring or renegotiating the terms of the security interest; requiring payment of additional rent or interest; exercising forbearance; requiring or exercising rights pursuant to an assignment of accounts or other amounts owing to an obligor; requiring or exercising rights pursuant to an escrow agreement pertaining to amounts owing to an obligor; providing specific or general financial or other advice, suggestions, counseling, or guidance; and exercising any right or remedy the holder is entitled to by law or under any warranties, covenants, conditions, representations or promises from the borrower.

(4) A holder does not participate in the management of a vessel or facility by making any response or performing any response action or undertaking any cleanup or removal or similar action under the federal "Comprehensive Environmental Response, Compensation, and Liability Act of 1980," Pub.L. 96-510 (42 U.S.C. §9601 et seq.), the "Spill Compensation and Control Act," P.L.1976, c.141 (C.58:10-23.11 et seq.), or any other State or federal environmental law or regulation.

"Date of foreclosure" means the date on which the holder obtains legal or equitable title to the vessel or facility pursuant to or incident to foreclosure.

"Fair consideration" means the value of the security interest when calculated as an amount equal to or in excess of the sum of the outstanding principal (or comparable amount in the cases of a lease that constitutes a security interest) owed to the holder immediately preceding the acquisition of full title (or possession in the case of property subject to a lease financing transaction) pursuant to foreclosure and its equivalents, plus any unpaid interest, rent or penalties (whether arising before or after foreclosure and its equivalents), plus all reasonable and necessary costs, fees, or other charges incurred by the holder incident to work out, foreclosure and its equivalents, retention, maintaining the business activities of the enterprise, preserving, protecting and preparing the vessel or facility prior to sale, re-lease of property held pursuant to a lease financing transaction (whether by a new lease financing transaction or substitution of the lessee) or other disposition, plus response costs incurred under applicable federal or State environmental cleanup laws or regulations, or at the direction of an on-scene coordinator, less any amounts received by the holder in connection with any partial disposition of the property, net revenues received as a result of maintaining the business activities of the enterprise, and any amounts paid by the borrower subsequent to the acquisition of full title (or possession in the case of property subject to a lease financing transaction) pursuant to foreclosure and its equivalents. In the case of a holder maintaining indicia of ownership primarily to protect a junior security interest, fair consideration is the value of all outstanding higher priority security interests plus the value of the security interest held by the junior holder, each calculated as set forth in this definition.

"Foreclosure" or "foreclosure and its equivalents" means purchase at foreclosure sale; acquisition or assignment of title in lieu of foreclosure; termination of a lease or other repossession; acquisition of a right to title or possession; an agreement in satisfaction of the obligation; or any other form or informal manner (whether pursuant to law or under warranties, covenants, conditions, representations or promises from the borrower) by which the holder acquires title to or possession of the secured property.

"Holder" is a person who maintains indicia of ownership primarily to protect a security interest. A holder includes the initial holder (such as a loan originator), any subsequent holder (such as a successor-in-interest or subsequent purchaser of the security interest on the secondary market), a guarantor of an obligation, surety, or any other person who holds ownership indicia primarily to protect a security interest, or a receiver or other person who acts on behalf or for the benefit of a holder.

"Indicia of ownership" means evidence of a security interest, evidence of an interest in a security interest, or evidence of an interest in real or personal property securing a loan or other obligation, including any legal or equitable title to real or personal property acquired incident to foreclosure and its equivalents. Evidence of such interests include, but are not limited to, mortgages, deeds of trust, liens, surety bonds and guarantees of obligations, title held pursuant to a lease financing transaction in which the lessor does not select initially the leased property (hereinafter "lease financing transaction"), legal or equitable title obtained pursuant to foreclosure and their equivalents. Evidence of such interests also includes assignments, pledges, or other rights to or other forms of encumbrance against property that are held primarily to protect a security interest. A person is not required to hold title or a security interest in order to maintain indicia of ownership.

"Primarily to protect a security interest" means that the holder's indicia of ownership are held primarily for the purpose of securing payment or performance of an obligation but does not include indicia of ownership held primarily for investment purposes, nor ownership indicia held primarily for purposes other than as a protection for a security interest. A holder may have other, secondary reasons for maintaining indicia of ownership, but the primary reasons why any ownership indicia are held shall be as protection for a security interest.

"Security interest" means an interest in a vessel or facility created or established for the purpose of securing a loan or other obligation. Security interests include, but are not limited to, mortgages, deeds of trusts, liens, and title pursuant to lease financing transactions. Security interests may also arise from transactions such as sale and leasebacks, conditional sales, installment sales, trusts receipt transactions, certain assignments, factoring agreements, accounts receivable financing arrangements, and consignments, if the transaction creates or establishes an interest in a vessel or facility for the purpose of securing a loan or other obligation.

C.58:10-23.11g5 Liability for cleanup costs, damages.

2. A person who maintains indicia of ownership of a vessel or facility primarily to protect a security interest in a vessel or facility and who does not participate in the management of the vessel or facility is not deemed to be an owner or operator of the vessel or facility, shall not be deemed the discharger or responsible party for a discharge from the vessel or facility and shall not be

liable for cleanup costs or damages resulting from discharges from the vessel or facility pursuant to sections 8, 18, and 22 of P.L.1976, c.141 (C.58:10-23.11g, 58:10-23.11q and 58:10-23.11u) or section 2 of P.L.1990, c.75 (C.58:10-23.11u1), except to the extent that liability may still apply to holders after foreclosure as set forth in section 3 of this act.

C.58:10-23.11g6 Status and liability of holders after foreclosure.

3. The indicia of ownership, held after foreclosure, continue to be maintained primarily as a protection for a security interest provided that the holder did not participate in management prior to foreclosure and that the holder undertakes to sell, re-lease property held pursuant to a lease financing transaction (whether by a new lease financing transaction or substitution of the lessee) or otherwise divest itself of the vessel or facility in a reasonably expeditious manner in accordance with the means and procedures specified in this section. Such a holder may liquidate, maintain business operations, undertake environmental response actions pursuant to State and federal law, and take measures to preserve, protect or prepare the secured asset prior to sale or other disposition, without losing status as a person who maintains indicia of ownership primarily to protect a security pursuant to section 2 of this act.

a. For purposes of establishing that a holder is seeking to sell, re-lease property held pursuant to a new lease financing transaction (whether by a new lease financing transaction or substitution of the lessee), or divest a vessel or facility in a reasonably expeditious manner, the holder may use whatever commercially reasonable means are relevant or appropriate with respect to the vessel or facility, or may employ the means specified in this section.

b. (1) A holder that outbids, rejects or fails to act upon a written bona fide, firm offer of fair consideration within 90 days of receipt of the offer, and which offer is received at any time after six months following the date of foreclosure, shall not be deemed to be using a commercially reasonable means for the purpose of this section. A "written bona fide, firm offer" means a legally enforceable, commercially reasonable, cash offer solely for the foreclosed vessel or facility, including all material terms of the transaction, from a ready, willing, and able purchaser who demonstrates to the holder's satisfaction the ability to perform. For purposes of this subsection, the six-month period begins to run from the time that the holder acquires a marketable title, provided that the holder, after the expiration of any redemption or other waiting period provided by law, was acting diligently to acquire marketable title.

(2) A holder that outbids, rejects, or fails to act upon an offer of fair consideration for the vessel or facility within the 90-day period, establishes that the ownership indicia in the secured property are not held primarily to protect the security interest, unless the holder is required, in order to avoid liability under federal or State law, to make a higher bid, to obtain a higher offer, or to seek or obtain an offer in a different manner.

c. A holder establishes that it is proceeding in a commercially reasonable manner after foreclosure by, within 12 months following foreclosure, listing the vessel or facility with a broker, dealer, or agent who deals with the type of property in question, or by advertising the vessel or facility as being for sale or disposition on at least a monthly basis in either a real estate publication or a trade or other publication suitable for the vessel or facility in question, or a newspaper of general circulation (defined as one with a circulation over 10,000, or one suitable under any applicable federal, State, or local rules of court for publication required by court order or rules of civil procedure) covering the area where the property is located. For purposes of this subsection, the 12-month period begins to run from the time that the holder acquires marketable title, provided that the holder, after the expiration of any redemption or other waiting period provided by law, was acting diligently to acquire marketable title.

d. A holder shall sell, re-lease the property held pursuant to a new lease financing transaction, or otherwise divest such vessel or facility in a reasonably expeditious manner, but not later than five years after the date of foreclosure, except that a holder may continue to hold the property for a time period longer than five years without losing status as a person who maintains indicia of ownership primarily to protect a security interest if (1) the holder has made a good faith effort to sell, re-lease or otherwise divest itself of the property using commercially reasonable means or other procedures prescribed by this act; (2) the holder has obtained any approvals required pursuant to applicable federal or State banking or other lending laws to continue its possession of the property; and (3) the holder has exercised reasonable custodial care to prevent or mitigate any new discharges from the vessel or facility that could substantially diminish the market value of the property.

e. (1) The exemption granted to holders pursuant to this section shall not apply to the liability for any new discharge from the vessel or facility, occurring after the date of foreclosure, that is caused by acts or omissions of the holder which can be shown, based on a preponderance of the evidence, to have been negligent. In the event a property has both preexisting and new discharges, the liability, if any, allocable to the holder pursuant to this subsection shall be limited to those cleanup costs or damages that relate directly to the new discharge. In the event there is a substantial commingling of a new discharge with a preexisting discharge, the liability, if any, allocable to the holder pursuant to this subsection shall be limited to the cleanup costs or damages in excess of those cleanup costs or damages relating to the preexisting discharge.

In order to establish that a discharge occurred or began prior to the date of foreclosure, a holder may perform, but shall not be required to perform, an environmental audit, in accordance with any applicable Department of Environmental Protection and Energy regulations and guidelines, to identify such discharges at the vessel or facility. Upon receipt of a complete audit from the holder, the Department of Environmental Protection and Energy shall, within 90 days of its receipt of the audit, review the audit and transmit its findings to the holder. The Department of Environmental Protection and Energy may charge reasonable fees and adopt any additional regulations necessary to provide guidelines for the submission and review of such audits.

(2) Nothing in this subsection shall be deemed to impose liability for a new discharge from the vessel or facility that is authorized pursuant to a federal or State permit or cleanup procedure.

(3) The exemption granted to holders of indicia of ownership to protect a security interest shall not apply to liability, if any, pursuant to applicable law and regulation, for arranging for the offsite disposal or treatment of a hazardous substance or by accepting for transportation and disposing of a hazardous substance at an offsite facility selected by the holder.

C.58:10-23.11g7 Departmental rights retained; violations, penalties.

4. a. Nothing in sections 1 through 5 of this act shall be deemed to prohibit or limit the rights of the Department of Environmental Protection and Energy to clean up a property or to obtain a lien on the property of a discharger or holder in order to recover cleanup costs pursuant to section 7 of P.L.1976, c.141 (C.58:10-23.11f). Any recovery of cleanup costs from a holder pursuant to a lien obtained by the Department of Environmental Protection and Energy shall be limited to the actual financial benefit conferred on such holder by a cleanup or removal action, and shall not exceed the amount realized by the holder on the sale or other disposition of the property.

b. Nothing in sections 1 through 5 of this act shall be deemed to prohibit or limit the rights of the Department of Environmental Protection and Energy, pursuant to section 7 of P.L.1976, c.141 (C.58:10-23.11f), to direct the holder to take any emergency response actions, including closure of the vessel or facility, necessary to prevent, contain or mitigate a continuing or new discharge that poses an immediate threat to the environment or to the public health, safety or welfare.

c. (1) If a holder forecloses on a vessel or facility at which it has actual knowledge a discharge occurred or began prior to the date of foreclosure, the holder shall, within 30 days of the date of foreclosure, notify the Department of Environmental Protection and Energy that foreclosure has occurred. Any person who fails to give notice required pursuant to this subsection or knowingly gives or causes to be given false information in any such report, shall be subject to a civil penalty not to exceed $25,000. A court, in determining the amount of the penalty to be imposed, shall consider, among other relevant factors, the amount of any damages caused by the failure to give timely notice and whether the failure to notify was inadvertent or intentional.

(2) The holder shall immediately notify the Department of Environmental Protection and Energy of any new discharge, of which it has actual knowledge, occurring after the date of foreclosure, from the vessel or facility. Any person who fails to give notice required pursuant to this subsection or knowingly gives or causes to be given any false information in any such report, shall be subject to a civil penalty not to exceed $10,000 per day for each violation. A court, in determining the amount of the penalty to be imposed and the appropriateness of imposing multiple penalties for a continuing offense, shall consider, among other relevant factors, the amount of any damages caused by the failure to give timely notice and whether the failure to notify was inadvertent or intentional.

(3) Any penalty incurred under this section may be recovered with costs in a summary proceeding pursuant to "the penalty enforcement law," N.J.S.2A:58-1 et seq., in the Superior Court or a municipal court. Failure to give any required notice pursuant to this subsection shall not cause the holder to lose its status as a person who maintains indicia of ownership primarily to protect a security interest.

C.58:10-23.11g8 Environmental inspection not required.

5. Nothing in sections 2 through 4 of this act shall be construed to require a holder of a security interest to conduct or

require an environmental inspection and the liability of the holder of the security interest pursuant to P.L.1976, c.141 (C.58:10-23.11 et seq.) shall not be based on or affected by a failure to conduct an environmental inspection.

C.58:10-23.11g9 Obligations of trusts, estates.

6. In the event of the discharge of a hazardous substance from a vessel or facility, which vessel or facility is all or part of a trust, receivership estate, guardianship estate or estate of a deceased person, only the assets of the trust or estate, or assets of any discharger other than the fiduciary of such trust or estate, shall be subject to the obligation to pay for the cleanup of the discharge as set forth in the "Spill Compensation and Control Act," P.L.1976, c.141 (C.58:10-23.11 et seq.).

C.13:1K-11.1 Transactions excluded.

7. a. The following transactions shall be excluded from the provisions of the "Environmental Cleanup Responsibility Act," P.L.1983, c.330 (C.13:1K-6 et al.):

(1) Execution, delivery and filing or recording of any mortgage, security interest, collateral assignment or other lien on real or personal property; and

(2) Any transfer of personal property pursuant to a valid security agreement, collateral assignment or other lien, including, but not limited to, seizure or replevin of such personal property which transfer is for the purpose of implementing the secured party's rights in the personal property which is the collateral.

b. In the event of the closing, termination or transfer of an industrial establishment, which industrial establishment is all or part of a trust, receivership estate, guardianship estate or estate of a deceased person, only the assets of the trust or estate, or assets of any discharger other than the fiduciary of such trust or estate shall be subject to the obligation to remove the discharge as set forth in P.L.1983, c.330 (C.13:1K-6 et al.).

8. This act shall take effect immediately.

Approved May 7, 1993.

CHAPTER 113

AN ACT authorizing certain governing bodies to accept a bond, note or other obligation as partial consideration for the private sale and assignment of municipally held tax sale certificates and amending R.S.54:5-113 and supplementing chapter 5 of Title 54 of the Revised Statues and chapter 4 of Title 40A of the New Jersey Statutes.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. R.S.54:5-113 is amended to read as follows:

Private sale of certificate of tax sale by municipality.

54:5-113. When a municipality has or shall have acquired title to real estate by reason of its having been struck off and sold to the municipality at a sale for delinquent taxes and assessments, the governing body thereof may by resolution authorize a private sale of the certificate of tax sale therefor, together with subsequent liens thereon, for not less than the amount of liens charged against such real estate, except as provided in section 2 of P.L.1993, c.113 (C.54:5-113.1). The sale shall be made by assignment executed by such officers as may be designated in the resolution. When the total amount of the municipal liens shall, at the time of the proposed sale or assignment, exceed the assessed value of the real estate as of the date of the last sale thereof for unpaid taxes and assessments, the certificates, together with subsequent liens thereon, may be sold and assigned for a sum not less than such assessed value.

C.54:5-113.1 Acceptance of bond, note, other obligation for sale of certificate.

2. In connection with a sale of one or more certificates of tax sale pursuant to R.S.54:5-113, the governing body of a city of the first class with a population of less than 250,000, according to the latest federal decennial census may accept, as partial consideration for the sale of such a certificate, a bond, note or other obligation of the purchaser on the terms and conditions set forth in the resolution of the governing body; provided, however, that notwithstanding any other provision of R.S.54:5-113 to the contrary, the sale of such certificates pursuant to this section shall be publicly advertised and publicly bid; and provided further that any bond, note or other obligation shall:

a. mature within 20 years from the date of the sale;

b. have a principal amount at maturity of not more than 75% of the total amount of the liens charged against the real estate, and the principal amount, when added to the value of the other consideration received by the city at the time of the sale, shall not be less than 70% of the total amount of the liens charged against the real estate;

c. bear interest at a fixed rate at least equal to 2% in excess of the discount rate in effect at the Federal Reserve Bank of New York on the date of the sale; and

d. be secured by and payable from a tax sale certificate and the proceeds thereof in such manner and on such terms and conditions as shall be agreed upon by the governing body.

C.40A:4-88 Filing of amendment, correction in local budget.

3. The governing body of a city of the first class that receives funds from the sale of tax sale certificates pursuant to section 2 of P.L.1993, c.113 (C.54:5-113.1) may file any amendment or correction in its local budget that may be required to properly reflect that receipt. Notwithstanding any other law, rule or regulation to the contrary, such funds may be used during the current local budget year, subject to the limits on final appropriations pursuant to P.L.1976, c.68 (C.40A:4-45.1 et seq.), for any lawful purposes deemed appropriate by the municipal governing body.

C.54:5-113.2 Removal of lessee, tenant.

4. No lessee or tenant or the assign, under-tenant or legal representative of such lessee or tenant may be removed by a lienholder or successor thereof established under this act except for good cause as provided under section 2 of P.L.1974, c.49 (C.2A:18-61.1).

5. This act shall take effect immediately and shall be retroactive to January 1, 1993.

Approved May 8, 1993.

CHAPTER 114

AN ACT consolidating personnel functions in the Department of Personnel and amending N.J.S.11A:11-2.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. N.J.S.11A:11-2 is amended to read as follows:

Department of Personnel.

11A:11-2. Department of Personnel. a. The Department of Personnel shall replace the Department of Civil Service. Except as otherwise stated in this title, all employees of the Department of Civil Service shall become employees of the Department of Personnel.

b. The commissioner shall develop a plan for the consolidation and coordination of personnel, training, and related functions, including, but not limited to, classification, compensation, and workforce planning, in the executive branch of State government and for transfer to the Department of Personnel such employees, positions, funding, facilities, equipment, powers, and duties from throughout the executive branch of State government as necessary and appropriate to effectuate such consolidation and coordination.

c. The commissioner shall submit the plan prepared pursuant to subsection b. of this section to the Governor for review and approval. With the approval of the Governor and in accordance with regulations adopted by the commissioner, the commissioner, pursuant to the approved plan, shall direct the consolidation and coordination of personnel, training and related functions, including, but not limited to, classification, compensation and workforce planning, in the executive branch of State government and transfer to the Department of Personnel such employees, positions, funding, facilities, equipment, powers, duties and functions from throughout the executive branch of State government to effectuate such consolidation and coordination. The commissioner shall organize these functions in such units as the commissioner determines are necessary for the efficient operation of the department and in such a manner as will provide the appointing authorities and all State employees with proper support in personnel matters. The consolidation shall not apply to those functions which the commissioner has determined are unique to each department or agency in its capacity as an appointing authority.

d. Each department, office, division, bureau or agency in the executive branch of State government shall cooperate with the commissioner and make available to the commissioner such information, personnel and assistance necessary to effectuate the purposes of this amendatory act, P.L.1993, c.114.

e. This section shall not be construed to permit or require negotiations pursuant to the "New Jersey Employer-Employee Relations Act," P.L.1941, c.100 (C.34:13A-1 et seq.), of any rule or regulation promulgated by the Commissioner of Personnel or the Merit System Board pursuant to this section or any other section of this title.

2. This act shall take effect immediately and shall apply retroactively to any actions taken in conformity with this act after November 1, 1992.

Approved May 19, 1993.

CHAPTER 115

AN ACT concerning the representation of indigent defendants in criminal cases and amending P.L.1987, c.170.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. Section 8 of P.L.1987, c.170 is amended to read as follows:

8. This act shall take effect on the 270th day after enactment except for section 5 which shall take effect immediately. Section 4 of this act shall expire on April 3, 1998.

2. This act shall take effect immediately.

Approved May 24, 1993.

CHAPTER 116

AN ACT designating certain properties for academic and administrative purposes of Thomas A. Edison State College and supplementing chapter 64 of Title 18A of the New Jersey Statutes.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

C.18A:64-21.6 Findings, declarations.

1. The Legislature finds and declares that:

a. The State of New Jersey has designated the Kelsey building located at 101 West State Street, City of Trenton, a State land-mark and historic site which is being preserved as a part of the cultural heritage of this State;

b. The original intent of Henry Cooper Kelsey, whose generosity constructed this building, was to support educational purposes;

c. The State has determined that an appropriate use of this facility is served by supporting the programs of Thomas A. Edison State College; and

d. The State, Thomas A. Edison State College, and the City of Trenton have jointly agreed that the interest of these parties is well-served by the physical presence of Thomas A. Edison State College in the Kelsey building and the adjoining properties known as 105 through 115 West State Street in the City of Trenton.

C.18A:64-21.7 Use of Kelsey building by Thomas A. Edison State College.

2. The Kelsey School of Industrial Arts building located at the corner of West State and Willow Streets, designated as 101 West State Street, City of Trenton, County of Mercer, and State of New Jersey, along with adjacent properties known as 105 through 115 West State Street, City of Trenton, County of Mercer, and State of New Jersey are hereby designated for the exclusive use by and in support of the academic and administrative activities of Thomas A. Edison State College.

3. This act shall take effect immediately.

Approved May 24, 1993.

CHAPTER 117

AN ACT concerning school budgets and amending N.J.S.18A:22-8.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. N.J.S.18A:22-8 is amended to read as follows:

Contents of budget; format.

18A:22-8. The budget shall be prepared in such detail and upon such forms as shall be prescribed by the commissioner and to it shall be annexed a statement so itemized as to make the same readily understandable, in which shall be shown:

a. In tabular form there shall be set forth the following:

(1) The total expenditure for each item for the preceding school year, the amount appropriated for the current school year adjusted for trans-

fers as of February 1 of the current school year, and the amount estimated to be necessary to be appropriated for the ensuing school year, indicated separately for each item as determined by the commissioner;

(2) The amount of the surplus account available at the beginning of the preceding school year, at the beginning of the current school year and the amount anticipated to be available for the ensuing school year;

(3) The amount of revenue available for budget purposes for the preceding school year, the amount available for the current school year as of February 1 of the current school year and the amount anticipated to be available for the ensuing school year in the following categories:

(a) Total to be raised by local property taxes
(b) Total State aid
    (i) Foundation aid
    (ii) Special education aid
    (iii) Transportation aid
    (iv) At-risk aid
    (v) Bilingual aid
    (vi) Other (detailed at the discretion of the commissioner)
    (vii) Transition aid
(c) Total Federal aid
    (i) Elementary and Secondary Education Act of 1965 (20 U.S.C.§2701 et seq.)
    (ii) Handicapped
    (iii) Impact Aid
    (iv) Vocational
    (v) Other (detailed at the discretion of the commissioner)
(d) Other sources (detailed at the discretion of the commissioner).

(4) Transfers between current expense and capital outlay for the preceding school year, the current school year as of February 1 of that year and transfers anticipated for the ensuing school year.

b. (Deleted by amendment, P.L.1993, c.117).

c. In the event that the total expenditure for any item of appropriation is equal to $0.00 for: (1) the preceding school year, (2) the current school year, and (3) the amount estimated to be necessary to be appropriated for the ensuing school year, that item shall not be required to be published pursuant to N.J.S.18A:22-11.

2. This act shall take effect immediately.

Approved May 24, 1993.

CHAPTER 118

AN ACT concerning the operation of vessels by persons whose right to operate is suspended, revoked or prohibited, and supplementing Chapter 7 of Title 12 of the Revised Statutes.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

C.12:7-34.9b "Vessel" defined.

1. As used in this act:

"Vessel" means a power vessel as defined in section 1 of P.L.1954, c.236 (C.12:7-34.1) or section 2 of P.L.1962, c.73 (C.12:7-34.37) or a vessel which is 12 feet or greater in length.

C.12:7-34.9c Operation of vessel prohibited by certain persons.

2. A person whose right or reciprocity privilege, including any license or registration, to operate a vessel has been suspended, revoked or prohibited shall not operate a vessel on the waters of this State.

C.12:7-34.9d Violations, penalties.

3. a. A person violating section 2 of this act shall be subject to the following penalties:

(1) Upon conviction for a first offense, a fine of $500;

(2) Upon conviction for a second offense, a fine of $750 and imprisonment in the county jail for not more than five days;

(3) Upon conviction for a third offense, a fine of $1,000 and imprisonment in the county jail for not more than 10 days;

(4) Upon conviction of a person whose right to operate a vessel has been suspended, revoked or prohibited, the court shall impose or extend a period of suspension not to exceed six months.

b. Upon conviction of a person whose right to operate a vessel has been suspended, revoked or prohibited, and in addition to the penalties prescribed in subsection a. of this section, the court may impose a period of imprisonment, for not more than 45 days, if while operating a vessel in violation of section 2 of this act a person causes an accident resulting in personal injury to another person.

c. In addition to the penalties prescribed in subsections a. and b. of this section, any person violating section 2 of this act while under a suspension issued pursuant to section 19 of P.L.1954, c.236 (C.12:7-34.19) or section 3 of P.L. 1952, c.157 (C.12:7-46), upon conviction, shall be fined $500, shall have his right to operate a vessel suspended for an additional period of not less than one year nor more than two years, and may be imprisoned in the county jail for not more than 90 days.

d. Any period of suspension imposed by a court under this section which would continue beyond September 30 of any calendar year shall be interrupted on that date and shall be completed after April 30 of the following year.

4. This act shall take effect immediately.

Approved May 24, 1993.

CHAPTER 119

AN ACT providing for the issuance of wildlife conservation license plates for the purpose of supporting wildlife conservation, and supplementing chapter 3 of Title 39 of the Revised Statutes.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

C.39:3-33.10 Issuance of wildlife conservation license plates; establishment of "Wildlife Conservation Fund."

1. a. The Director of the Division of Motor Vehicles may issue for a motor vehicle owned or leased and registered in the State, wildlife conservation license plates bearing, in addition to the registration number and other markings or identification otherwise prescribed by law, words or a slogan and an emblem, to be designed by the Commissioner of Environmental Protection and approved by the Director of the Division of Motor Vehicles, indicating support for, or an interest in, wildlife conservation. Issuance of wildlife conservation license plates in accordance with this subsection shall be subject to the limitations of section 3 of P.L.1959, c.56 (C.39:3-33.5), and such other applicable requirements of chapter 3 of Title 39 of the Revised Statutes, except as hereinafter otherwise specifically provided.

b. Application for issuance of a wildlife conservation license plate shall be made to the Director of the Division of Fish, Game and Wildlife, for transmittal to the Division of Motor Vehicles in such manner and in accordance with such procedures as shall be stipulated in an interagency memorandum of agreement entered into pursuant to subsection e. of this section. Applications shall be made on such forms and in such manner as may be prescribed by the Director of the Division of Motor Vehicles. In order to be deemed complete, an application shall be accompanied by a fee of $50, payable to the Director of the Division of Fish, Game and Wildlife. The $50 fee for a wildlife conservation license plate shall be in addition to the fees otherwise prescribed by law for the registration of motor vehicles. Monies collected from the fees for wildlife conservation license plates shall be deposited into a nonlapsing, interest-bearing "Wildlife Conservation Fund," which is herewith established in the Division of Fish, Game and Wildlife. Interest or other income earned on monies deposited into the Wildlife Conservation Fund shall be credited to the fund for use as set forth in this act for other monies in the fund.

c. Monies in the Wildlife Conservation Fund shall be utilized by the Division of Fish, Game and Wildlife: (1) to reimburse the Division of Motor Vehicles for all costs incurred by that division, as stipulated by the director of that division, in producing, issuing, and publicizing the availability of wildlife conservation license plates; and (2) for endangered and nongame species conservation, including effectuating the purposes of "The Endangered and Nongame Species Conservation Act," P.L.1973, c.309 (C.23:2A-1 et seq.). The Director of the Division of Motor Vehicles shall annually certify to the Director of the Division of Fish, Game and Wildlife the average cost per license plate incurred in the immediately preceding year by the Division of Motor Vehicles in producing, issuing, and publicizing the availability of wildlife conservation license plates. A sum in the amount of the certified average cost shall accompany each application at the time of transmittal thereof to that division by the Division of Fish, Game and Wildlife.

d. The Director of the Division of Motor Vehicles shall notify eligible motorists of the opportunity to obtain wildlife conservation license plates by including a notice with all motor vehicle registration renewals, and by posting appropriate posters or signs in all division facilities and offices, as may be provided by the Division of Fish, Game and Wildlife. The notices, posters, and signs shall be designed by the Commissioner of Environmental Protection. The designs shall be subject to the approval of the Director of the Division of Motor Vehicles, and the Director of the Division of Fish, Game and Wildlife shall supply the Division of Motor Vehicles with the notices, posters, and signs to be circulated or posted by that division.

e. The directors of the Division of Fish, Game and Wildlife and the Division of Motor Vehicles shall develop and enter into an interagency memorandum of agreement setting forth the procedures to be followed by the two divisions in carrying out their respective responsibilities under this act.

2. This act shall take effect on the 180th day after enactment.

Approved May 24, 1993.

CHAPTER 120

AN ACT concerning certain responsibilities of pharmacists and supplementing chapter 14 of Title 45 of the Revised Statutes.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

C.45:14-15.1 Prospective drug review by pharmacist.

1. a. A pharmacist shall conduct a prospective drug review before each new prescription is dispensed or delivered to a patient or a person acting on behalf of the patient. The review shall include screening for potential drug therapy problems due to:

(1) therapeutic duplication;

(2) drug-disease contraindications to the extent the diagnosis information is available;

(3) drug-drug interactions, including serious interactions with nonprescription or over-the-counter drugs;

(4) incorrect drug dosage or duration of drug treatment;

(5) drug-allergy interactions; and

(6) clinical abuse or misuse.

b. A pharmacist may conduct a prospective drug review in accordance with the provisions of this section before refilling a prescription to the extent he deems appropriate in his professional judgment.

C.45:14-15.2 Counseling offered by pharmacist.

2. a. A pharmacist shall offer to counsel any person who presents a new prescription for filling. The offer to counsel may be made in any

manner the pharmacist deems appropriate in his professional judgment, and shall include any one or a combination of the following:

(1) Face-to-face communication with the pharmacist;

(2) Face-to-face communication with ancillary personnel; or

(3) By telephone.

For the purpose of Medicaid or other third-party reimbursement or payment programs, any of the above methods, or a combination of them, shall constitute an acceptable offer to provide counseling except to the extent this subsection is inconsistent with regulations promulgated by the federal Health Care Financing Administration pursuant to 42 U.S.C. §1396r-8 (g)(2)(A)(ii).

b. If, in the professional judgment of the pharmacist, it is inappropriate to verbally make the offer to counsel, the offer to counsel may be made in a written communication.

c. A pharmacist may offer to counsel any person who receives a refill prescription in accordance with the provisions of this section to the extent he deems appropriate in his professional judgment.

d. If the offer to counsel is accepted, the pharmacist shall counsel the person presenting the prescription to the extent the pharmacist deems appropriate in his professional judgment. Counseling shall be performed by the pharmacist himself and may, but need not, include the following:

(1) The name and description of the medication;

(2) The dosage form, dosage, route of administration, and duration of drug therapy;

(3) Special directions and precautions for preparation, administration, and use by the patient;

(4) Common adverse or severe side effects or interactions and therapeutic contraindications that may be encountered, including their avoidance, and the action required if they occur;

(5) Techniques for self-monitoring drug therapy;

(6) Proper storage;

(7) Prescription refill information; and

(8) Action to be taken in the event of a missed dose.

e. Nothing in this section shall be construed as requiring a pharmacist to provide counseling when the person presenting the prescription fails to accept the pharmacist's offer to counsel. If the prescription is filled for a person residing outside of the local telephone calling area of the pharmacy, the pharmacist shall either provide a toll-free telephone number or accept reasonable collect calls from the person.

C.45:14-15.3 Maintenance of patient profile system.

3. a. A patient profile system must be maintained by all pharmacies for persons for whom prescriptions are dispensed. The patient profile record system shall be devised so as to enable the immediate retrieval of information necessary to enable the dispensing pharmacist to identify previously dispensed medication at the time a prescription is presented for dispensing. One profile record may be maintained for members of a family living at the same address and possessing the same family name.

b. The following information generated at the individual pharmacy shall be recorded in the patient profile system:

(1) The family name and the first name of the person for whom the medication is intended (the patient);

(2) The address and telephone number of the patient;

(3) Indication of the patient's age, birth date or age group (infant, child, adult) and gender;

(4) The original or refill date the medication is dispensed and the initials of the dispensing pharmacist, if said initials and such date are not recorded on the back of the original prescription or in any other record approved by the New Jersey State Board of Pharmacy;

(5) The number or designation identifying the prescription;

(6) The prescriber's name;

(7) The name, strength and quantity of the drug dispensed;

(8) Individual history where significant, including known allergies and drug reactions, and a comprehensive list of medications and relevant devices; and

(9) Any additional comments relevant to the patient's drug use, including any failure to accept the pharmacist's offer to counsel.

c. The information obtained shall be recorded in the patient's manual or electronic profile, or in the prescription signature log, or in any other system of records, and may be considered by the pharmacist in the exercise of his professional judgment concerning both the offer to counsel and content of counseling. The absence of any record of a failure to accept the pharmacist's offer to counsel shall be presumed to signify that the offer was accepted and that the counseling was provided.

C.45:14-15.4 Inapplicability of act.

4. The provisions of this act shall not apply to any drug dispensed to an inpatient of a hospital or nursing home, except to the extent required by regulations promulgated by the federal Health Care Financing Administration implementing 42 U.S.C. § 1396r-8 (g)(2)(A).

5. This act shall take effect on the 90th day following the date of enactment.

Approved May 27, 1993.

CHAPTER 121

AN ACT concerning certain contracts of casino licensees involving casino simulcasting and certain employees in casino simulcasting facilities and amending P.L.1977, c.110 and P.L.1992, c.19.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. Section 82 of P.L.1977, c.110 (C.5:12-82) is amended to read as follows:

C.5:12-82 Casino license - applicant eligibility.

82. Casino License--Applicant Eligibility. a. No casino shall operate unless all necessary licenses and approvals therefor have been obtained in accordance with law.

b. Only the following persons shall be eligible to hold a casino license; and, unless otherwise determined by the commission with the concurrence of the Attorney General which may not be unreasonably withheld in accordance with subsection c. of this section, each of the following persons shall be required to hold a casino license prior to the operation of a casino in the hotel with respect to which the casino license has been applied for:

(1) Any person who either owns an approved hotel building or owns or has a contract to purchase or construct a hotel which in the judgment of the commission can become an approved hotel building within 30 months or within such additional time period as the commission may, upon a showing of good cause therefor, establish;

(2) Any person who, whether as lessor or lessee, either leases an approved hotel building or leases or has an agreement to lease a hotel which in the judgment of the commission can become an approved hotel building within 30 months or within such additional time period as the commission may, upon a showing of good cause therefor, establish;

(3) Any person who has a written agreement with a casino licensee or with an eligible applicant for a casino license for the complete management of a casino; and

(4) Any other person who has any control over either an approved hotel building or the land thereunder or the operation of a casino.

c. Prior to the operation of the casino, every agreement to lease an approved hotel building or the land thereunder and every agreement for the management of the casino shall be in writing and filed with the commission. No such agreement shall be effective unless expressly approved by the commission. The commission may require that any such agreement include within its terms any provision reasonably necessary to best accomplish the policies of this act. Consistent with the policies of this act:

(1) The commission, with the concurrence of the Attorney General which may not be unreasonably withheld, may determine that any person who does not have the ability to exercise any significant control over either the approved hotel building or the operation of the casino contained therein shall not be eligible to hold or required to hold a casino license;

(2) The commission, with the concurrence of the Attorney General which may not be unreasonably withheld, may determine that any owner, lessor or lessee of an approved hotel building or the land thereunder who does not own or lease the entire approved hotel building shall not be eligible to hold or required to hold a casino license;

(3) The commission shall require that any person or persons eligible to apply for a casino license organize itself or themselves into such form or forms of business association as the commission shall deem necessary or desirable in the circumstances to carry out the policies of this act;

(4) The commission may issue separate casino licenses to any persons eligible to apply therefor;

(5) As to agreements to lease an approved hotel building or the land thereunder, unless it expressly and by formal vote for good cause determines otherwise, the commission shall require that each party thereto hold either a casino license or casino service industry license and that such an agreement be for a durational term exceeding 30 years, concern 100% of the entire approved hotel building or of the land upon which same is located, and include within its terms a buy-out provision conferring upon the casino licensee-lessee who controls the operation of the approved hotel the absolute right to purchase for an expressly set forth fixed sum the entire interest of the lessor or any person associated

with the lessor in the approved hotel building or the land thereunder in the event that said lessor or said person associated with the lessor is found by the commission to be unsuitable to be associated with a casino enterprise;

(6) The commission shall not permit an agreement for the leasing of an approved hotel building or the land thereunder to provide for the payment of an interest, percentage or share of money gambled at the casino or derived from casino gaming activity or of revenues or profits of the casino unless the party receiving payment of such interest, percentage or share is a party to the approved lease agreement; unless each party to the lease agreement holds either a casino license or casino service industry license and unless the agreement is for a durational term exceeding 30 years, concerns a significant portion of the entire approved hotel building or of the land upon which same is located, and includes within its terms a buy-out provision conforming to that described in paragraph (5) above;

(7) As to agreements for the management of a casino, the commission shall require that each party thereto hold a casino license, that the party thereto who is to manage the casino own at least 10% of all outstanding equity securities of any casino licensee or of any eligible applicant for a casino license if the said licensee or applicant is a corporation and the ownership of an equivalent interest in any casino licensee or in any eligible applicant for a casino license if same is not a corporation, and that such an agreement be for the complete management of the casino, provide for the sole and unrestricted power to direct the casino operations of the casino which is the subject of the agreement, and be for such a durational term as to assure reasonable continuity, stability and independence in the management of the casino;

(8) The commission may permit an agreement for the management of a casino to provide for the payment to the managing party of an interest, percentage or share of money gambled at the casino or derived from casino gaming activity or of revenues or profits of the casino;

(9) The commission may permit an agreement between a casino licensee and a casino service industry licensed pursuant to the provisions of subsection a. of section 92 of P.L.1977, c.110 (C.5:12-92) for the conduct of casino simulcasting in a simulcasting facility to provide for the payment to the casino service industry of an interest, percentage or share of the money derived

from the casino licensee's share of proceeds from simulcast wagering activity; and

(10) As to agreements to lease an approved hotel building or the land thereunder, agreements to jointly own an approved hotel building or the land thereunder and agreements for the management of a casino or for the conduct of casino simulcasting in a simulcasting facility, the commission shall require that each party thereto shall be jointly and severally liable for all acts, omissions and violations of this act by any party thereto regardless of actual knowledge of such act, omission or violation and notwithstanding any provision in such agreement to the contrary.

d. No corporation shall be eligible to apply for a casino license unless:

(1) The corporation shall be incorporated in the State of New Jersey, although such corporation may be a wholly or partially owned subsidiary of a corporation which is organized pursuant to the laws of another state of the United States or of a foreign country;

(2) The corporation shall maintain an office of the corporation in the premises licensed or to be licensed;

(3) The corporation shall comply with all the requirements of the laws of the State of New Jersey pertaining to corporations;

(4) The corporation shall maintain a ledger in the principal office of the corporation in New Jersey which shall at all times reflect the current ownership of every class of security issued by the corporation and shall be available for inspection by the commission or the division and authorized agents of the commission and the division at all reasonable times without notice;

(5) The corporation shall maintain all operating accounts required by the commission in a bank in New Jersey;

(6) The corporation shall include among the purposes stated in its certificate of incorporation the conduct of casino gaming and provide that the certificate of incorporation includes all provisions required by this act;

(7) The corporation, if it is not a publicly traded corporation, shall file with the commission such adopted corporate charter provisions as may be necessary to establish the right of prior approval by the commission with regard to transfers of securities, shares, and other interests in the applicant corporation; and, if it is a publicly traded corporation, provide in its corporate charter that any securities of such corporation are held subject to the condition that if a holder thereof is found to be disqualified by the commission pursuant to the provisions of this act, such holder shall dispose of

his interest in the corporation; provided, however, that, notwithstanding the provisions of N.J.S.14A:7-12 and N.J.S.12A:8-101 et seq., nothing herein shall be deemed to require that any security of such corporation bear any legend to this effect;

(8) The corporation, if it is not a publicly traded corporation, shall establish to the satisfaction of the commission that appropriate charter provisions create the absolute right of such non-publicly traded corporations and companies to repurchase at the market price or the purchase price, whichever is the lesser, any security, share or other interest in the corporation in the event that the commission disapproves a transfer in accordance with the provisions of this act;

(9) Any publicly traded holding, intermediary, or subsidiary company of the corporation, whether the corporation is publicly traded or not, shall contain in its corporate charter the same provisions required under paragraph (7) for a publicly traded corporation to be eligible to apply for a casino license; and

(10) Any non-publicly traded holding, intermediary or subsidiary company of the corporation, whether the corporation is publicly traded or not, shall establish to the satisfaction of the commission that its charter provisions are the same as those required under paragraphs (7) and (8) for a non-publicly traded corporation to be eligible to apply for a casino license.

Notwithstanding the foregoing, any corporation or company which had bylaw provisions approved by the commission prior to the effective date of this 1987 amendatory act shall have one year from the effective date of this 1987 amendatory act to adopt appropriate charter provisions in accordance with the requirements of this subsection.

The provisions of this subsection shall apply with the same force and effect with regard to casino license applicants and casino licensees which have a legal existence that is other than corporate to the extent which is appropriate.

e. No person shall be issued or be the holder of more than three casino licenses. For the purpose of this subsection a person shall be considered the holder of a casino license if such license is issued to such person or if such license is held by any holding, intermediary or subsidiary company thereof, or by any officer, director, casino key employee or principal employee of such person, or of any holding, intermediary or subsidiary company thereof.

2. Section 104 of P.L.1977, c.110 (C.5:12-104) is amended to read as follows:

C.5:12-104 Casino licensee - leases and contracts.

104. Casino Licensee--Leases and Contracts. a. (1) Unless otherwise provided in this subsection, no agreement which provides for the payment, however defined, of any direct or indirect interest, percentage or share of any money or property gambled at a casino or simulcasting facility or derived from casino gaming activity or wagering at a simulcasting facility of any such interest, percentage, or share of any revenues, profits or earnings of a casino or simulcasting facility shall be lawful.

(2) Agreements which provide only for the payment of a fixed sum which is in no way affected by the amount of any such money, property, revenues, profits or earnings shall not be subject to the provisions of this subsection; and receipts, rentals or charges for real property, personal property or services shall not lose their character as payments of a fixed sum because of contract, lease, or license provisions for adjustments in charges, rentals or fees on account of changes in taxes or assessments, cost-of-living index escalations, expansion or improvement of facilities, or changes in services supplied.

(3) Agreements between a casino licensee and its employees which provide for casino employee or casino key employee profit sharing and which are in writing and have been filed with the commission shall be lawful and effective only if expressly approved as to their terms by the commission.

(4) Agreements to lease an approved hotel building or the land thereunder and agreements for the complete management of a casino shall not be subject to the provisions of this subsection but shall rather be subject to the provisions of subsections b. and c. of section 82 of this act.

(5) Agreements which provide for percentage charges between the casino licensee and a holding company or intermediary company of the casino licensee shall be in writing and filed with the commission but shall not be subject to the provisions of this subsection.

(6) Agreements relating to simulcast racing and wagering between a casino licensee and an in-State or out-of-State sending track licensed or exempt from licensure in accordance with subsection c. of section 92 of P.L.1977, c.110 (C.5:12-92) shall be in writing, be filed with the commission, and be lawful and effective only if expressly approved as to their terms by the commission and the New

Jersey Racing Commission, except that any such agreements which provide for a percentage of the parimutuel pool wagered at a simulcasting facility to be paid to the sending track shall not be subject to the provisions of paragraph (1) of this subsection.

(7) Agreements relating to simulcast racing and wagering between a casino licensee and a casino service industry licensed pursuant to the provisions of subsection a. of section 92 of P.L.1977, c.110 (C.5:12-92) as a hub facility, as defined in joint regulations of the Casino Control Commission and the New Jersey Racing Commission, shall be in writing, be filed with the commission, and be lawful and effective only if expressly approved as to their terms by the commission and the New Jersey Racing Commission, except that any such agreements which provide for a percentage of the casino licensee's share of the parimutuel pool wagered at a simulcasting facility to be paid to the hub facility shall not be subject to the provisions of paragraph (1) of this subsection.

(8) Agreements relating to simulcast racing and wagering between a casino licensee and a casino service industry licensed pursuant to the provisions of subsection a. of section 92 of P.L.1977, c.110 (C.5:12-92) to conduct casino simulcasting in a simulcasting facility shall be in writing, be filed with the commission, and be lawful and effective only if expressly approved as to their terms by the commission, except that any such agreements which provide for a percentage of the casino licensee's share of the parimutuel pool wagered at a simulcasting facility to be paid to the casino service industry shall not be subject to the provisions of paragraph (1) of this subsection.

b. Each casino applicant or licensee shall maintain, in accordance with the rules of the commission, a record of each written or unwritten agreement regarding the realty, construction, maintenance, or business of a proposed or existing casino hotel or related facility. The foregoing obligation shall apply regardless of whether the casino applicant or licensee is a party to the agreement. Any such agreement may be reviewed by the commission on the basis of the reasonableness of its terms, including the terms of compensation, and of the qualifications of the owners, officers, and directors of any enterprise involved in the agreement, which qualifications shall be reviewed according to the standards enumerated in section 86 of this act. If the commission disapproves such an agreement or the owners, officers, or directors of any enterprise involved therein, the commission may require its termination.

Every agreement required to be maintained, and every related agreement the performance of which is dependent upon the performance of any such agreement, shall be deemed to include a provision to the effect that, if the commission shall require termination of an agreement pursuant to this subsection, such termination shall occur without liability on the part of the casino applicant or licensee or any qualified party to the agreement or any related agreement. Failure expressly to include such a provision in the agreement shall not constitute a defense in any action brought to terminate the agreement. If the agreement is not maintained or presented to the commission in accordance with commission regulations, or the disapproved agreement is not terminated, the commission may pursue any remedy or combination of remedies provided in this act.

For the purposes of this subsection, "casino applicant" includes any person required to hold a casino license pursuant to section 82 of P.L.1977, c.110 (C.5:12-82) who has applied to the commission for a casino license or any approval required under P.L.1977, c.110 (C.5:12-1 et seq.).

c. Nothing in this act shall be deemed to permit the transfer of any license, or any interest in any license, or any certificate of compliance or any commitment or reservation.

3. Section 4 of P.L.1992, c.19 (C.5:12-194) is amended to read as follows:

C.5:12-194 Establishment of casino simulcasting facility.

4. a. (1) A casino which wishes to conduct casino simulcasting shall establish a simulcasting facility as part of the casino hotel. The simulcasting facility may be adjacent to, but shall not be part of, the room in which casino gaming is conducted pursuant to the provisions of P.L.1977, c.110 (C.5:12-1 et seq.). The simulcasting facility shall conform to all requirements concerning square footage, equipment, security measures and related matters which the Casino Control Commission shall by regulation prescribe. The space required for the establishment of a simulcasting facility shall not reduce the space authorized for casino gaming activities as specified in section 83 of P.L.1977, c.110 (C.5:12-83). The cost of establishing, maintaining and operating a simulcasting facility shall be the sole responsibility of the casino.

(2) Wagering on simulcast horse races shall be conducted only in the simulcasting facility, which shall be open and operated

whenever simulcast horse races are being transmitted to the casino during permitted hours of casino operation.

(3) Any authorized game, as defined in section 5 of P.L.1977, c.110 (C.5:12-5), other than slot machines may be conducted in a simulcasting facility subject to the rules and regulations of the Casino Control Commission.

(4) The security measures for a simulcasting facility shall include the installation by the casino of a closed circuit television system according to specifications approved by the Casino Control Commission. The Casino Control Commission and the Division of Gaming Enforcement shall have access to the system or its signal in accordance with regulations of the commission.

b. All persons engaged directly in wagering-related activities conducted by a casino in a simulcasting facility, whether employed by the casino or by a person or entity conducting casino simulcasting in the simulcasting facility pursuant to an agreement with the casino, shall be licensed as casino employees or casino key employees, as appropriate. All other employees of the casino or of the person or entity conducting casino simulcasting who are working in the simulcasting facility shall be licensed or registered in accordance with regulations of the Casino Control Commission.

Any employee at the Atlantic City Race Course or Garden State Park on or after June 12, 1992, who loses employment with that racetrack as a direct result of the implementation of casino simulcasting and who has been licensed by the New Jersey Racing Commission for five consecutive years immediately preceding the loss of employment shall be given first preference for employment whenever any comparable position becomes available in any casino simulcasting facility, provided the person is qualified pursuant to this subsection. If a casino enters into an agreement with a person or entity for the conduct of casino simulcasting in its simulcasting facility, the agreement shall include the requirement that such first preference in employment shall be given by the person or entity with respect to employment in the simulcasting facility.

c. A casino which establishes a simulcasting facility and conducts casino simulcasting shall, as a condition of continued operation of casino simulcasting, receive all live races which are transmitted by in-State sending tracks.

d. Agreements between a casino and an in-State or out-of-State sending track for casino simulcasting shall be in writing and shall be filed with the New Jersey Racing Commission and with the Casino Control Commission in accordance with section 104 of P.L.1977, c.110 (C.5:12-104).

e. If wagering at casinos on sports events is authorized by the voters of this State and by enabling legislation enacted by the Legislature, and if a casino conducts such wagering and casino simulcasting, the two activities shall be conducted in the same area, in accordance with such regulations as the Casino Control Commission shall prescribe with respect to wagering on sports events and in accordance with this act and such regulations as may be adopted pursuant to section 3 of this act with respect to casino simulcasting.

4. This act shall take effect immediately.

Approved May 27, 1993.

CHAPTER 122

AN ACT concerning the regulation of traffic by municipalities and amending R.S.39:4-8.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. R.S.39:4-8 is amended to read as follows:

Commissioner of Transportation's approval required; exceptions.

39:4-8. a. Except as otherwise provided in this section, no ordinance or resolution concerning, regulating or governing traffic or traffic conditions, adopted or enacted by any board or body having jurisdiction over highways, shall be of any force or effect unless the same is approved by the Commissioner of Transportation, according to law. The commissioner shall not be required to approve any such ordinance, resolution or regulation, unless, after investigation by him, the same shall appear to be in the interest of safety and the expedition of traffic on the public highways.

b. In the case of totally self-contained streets under municipal jurisdiction which have no direct connection with any street in any other municipality, the municipality may, by ordinance, without the approval of the Commissioner of Transportation, designate reasonable and safe speed limits and erect appropriate signs and designate any intersection as a stop or yield intersection and erect appropriate signs, provided that the municipal engineer shall, under his seal as a licensed professional engineer, certify to the municipal governing body that any designation or erection of signs: (1) has been approved by him after investigation by him of the circumstances, (2) appears to him to be in the interest of safety and the expedition of traffic on the public highways and (3) conforms to the current standards prescribed by the Manual of Uniform Traffic Control Devices for Streets and Highways, as adopted by the Commissioner of Transportation.

A certified copy of the adopted ordinance shall be transmitted by the clerk of the municipality to the commissioner within 30 days of adoption, together with a copy of the engineer's certification; a statement of the reasons for the engineer's decision; detailed information as to the location of streets, intersections and signs affected by any designation or erection of signs; and traffic count, accident and speed sampling data, when appropriate.

Nothing in this subsection shall allow municipalities to designate any intersection with any highway under State or county jurisdiction as a stop or yield intersection.

c. Subject to the provisions of R.S.39:4-138, in the case of any street under municipal or county jurisdiction, a municipality or county may, without the approval of the Commissioner of Transportation, do the following:

By ordinance or resolution:

(1) prohibit general parking;

(2) designate restricted parking under section 1 of P.L.1977, c.309 (C.39:4-197.6);

(3) designate time limit parking; and

(4) install parking meters.

By ordinance, resolution or regulation:

(1) designate loading and unloading zones and taxi stands;

(2) approve street closings for periods up to 48 continuous hours; and

(3) designate restricted parking under section 1 of P.L.1977, c.202 (C.39:4-197.5).

Nothing in this subsection shall allow municipalities or counties to establish angle parking or to reinstate or add parking on any street, or approve the closure of streets for more than 48 continuous hours, without the approval of the Commissioner of Transportation.

2. This act shall take effect immediately.

Approved May 28, 1993.

CHAPTER 123

AN ACT clarifying eligibility requirements for the Intensive Supervision Program amending N.J.S.2C:44-1 and supplementing Chapter 43 of Title 2C of the New Jersey Statutes.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. N.J.S.2C:44-1 is amended to read as follows:

Criteria for withholding or imposing sentence of imprisonment.

2C:44-1. Criteria for Withholding or Imposing Sentence of Imprisonment. a. In determining the appropriate sentence to be imposed on a person who has been convicted of an offense, the court shall consider the following aggravating circumstances:

(1) The nature and circumstances of the offense, and the role of the actor therein, including whether or not it was committed in an especially heinous, cruel, or depraved manner;

(2) The gravity and seriousness of harm inflicted on the victim, including whether or not the defendant knew or reasonably should have known that the victim of the offense was particularly vulnerable or incapable of resistance due to advanced age, ill-health, or extreme youth, or was for any other reason substantially incapable of exercising normal physical or mental power of resistance;

(3) The risk that the defendant will commit another offense;

(4) A lesser sentence will depreciate the seriousness of the defendant's offense because it involved a breach of the public trust under chapters 27 and 30, or the defendant took advantage of a position of trust or confidence to commit the offense;

(5) There is a substantial likelihood that the defendant is involved in organized criminal activity;

(6) The extent of the defendant's prior criminal record and the seriousness of the offenses of which he has been convicted;

(7) The defendant committed the offense pursuant to an agreement that he either pay or be paid for the commission of the offense and the pecuniary incentive was beyond that inherent in the offense itself;

(8) The defendant committed the offense against a police or other law enforcement officer, correctional employee or fireman, acting in the performance of his duties while in uniform or exhibiting evidence of his authority, or the defendant committed the offense because of the status of the victim as a public servant;

(9) The need for deterring the defendant and others from violating the law;

(10) The offense involved fraudulent or deceptive practices committed against any department or division of State government;

(11) The imposition of a fine, penalty or order of restitution without also imposing a term of imprisonment would be perceived by the defendant or others merely as part of the cost of doing business, or as an acceptable contingent business or operating expense associated with the initial decision to resort to unlawful practices;

(12) The defendant committed the offense against a person who he knew or should have known was 60 years of age or older, or disabled.

b. In determining the appropriate sentence to be imposed on a person who has been convicted of an offense, the court may properly consider the following mitigating circumstances:

(1) The defendant's conduct neither caused nor threatened serious harm;

(2) The defendant did not contemplate that his conduct would cause or threaten serious harm;

(3) The defendant acted under a strong provocation;

(4) There were substantial grounds tending to excuse or justify the defendant's conduct, though failing to establish a defense;

(5) The victim of the defendant's conduct induced or facilitated its commission;

(6) The defendant has compensated or will compensate the victim of his conduct for the damage or injury that he sustained, or will participate in a program of community service;

(7) The defendant has no history of prior delinquency or criminal activity or has led a law-abiding life for a substantial period of time before the commission of the present offense;

(8) The defendant's conduct was the result of circumstances unlikely to recur;

(9) The character and attitude of the defendant indicate that he is unlikely to commit another offense;

(10) The defendant is particularly likely to respond affirmatively to probationary treatment;

(11) The imprisonment of the defendant would entail excessive hardship to himself or his dependents;

(12) The willingness of the defendant to cooperate with law enforcement authorities;

(13) The conduct of a youthful defendant was substantially influenced by another person more mature than the defendant.

c. (1) A plea of guilty by a defendant or failure to so plead shall not be considered in withholding or imposing a sentence of imprisonment.

(2) When imposing a sentence of imprisonment the court shall consider the defendant's eligibility for release under the law governing parole, including time credits awarded pursuant to Title 30 of the Revised Statutes, in determining the appropriate term of imprisonment.

d. Presumption of imprisonment. The court shall deal with a person who has been convicted of a crime of the first or second degree by imposing a sentence of imprisonment unless, having regard to the character and condition of the defendant, it is of the opinion that his imprisonment would be a serious injustice which overrides the need to deter such conduct by others.

e. The court shall deal with a person convicted of an offense other than a crime of the first or second degree, who has not previously been convicted of an offense, without imposing sentence of imprisonment unless, having regard to the nature and circumstances of the offense and the history, character and condition of the defendant, it is of the opinion that his imprisonment is necessary for the protection of the public under the criteria set forth in subsection a.

f. Presumptive Sentences. (1) Except for the crime of murder, unless the preponderance of aggravating or mitigating factors, as set forth in subsections a. and b., weighs in favor of a higher or lower term within the limits provided in N.J.S.2C:43-6, when a court determines that a sentence of imprisonment is warranted, it shall impose sentence as follows:

(a) To a term of 20 years for aggravated manslaughter or kidnapping pursuant to paragraph (1) of subsection c. of N.J.S.2C:13-1 when the offense constitutes a crime of the first degree;

(b) Except as provided in paragraph (a) of this subsection to a term of 15 years for a crime of the first degree;

(c) To a term of seven years for a crime of the second degree;

(d) To a term of four years for a crime of the third degree; and

(e) To a term of nine months for a crime of the fourth degree.

In imposing a minimum term pursuant to 2C:43-6b., the sentencing court shall specifically place on the record the aggravating factors set forth in this section which justify the imposition of a minimum term.

Unless the preponderance of mitigating factors set forth in subsection b. weighs in favor of a lower term within the limits authorized, sentences imposed pursuant to 2C:43-7a.(1) shall have a presumptive term of life imprisonment. Unless the preponderance of aggravating and mitigating factors set forth in subsections a. and b. weighs in favor of a higher or lower term within the limits authorized, sentences imposed pursuant to 2C:43-7a.(2) shall have a presumptive term of 50 years' imprisonment; sentences imposed pursuant to 2C:43-7a.(3) shall have a presumptive term of 15 years' imprisonment; and sentences imposed pursuant to 2C:43-7a.(4) shall have a presumptive term of seven years' imprisonment.

In imposing a minimum term pursuant to 2C:43-7b., the sentencing court shall specifically place on the record the aggravating factors set forth in this section which justify the imposition of a minimum term.

(2) In cases of convictions for crimes of the first or second degree where the court is clearly convinced that the mitigating factors substantially outweigh the aggravating factors and where the interest of justice demands, the court may sentence the defendant to a term appropriate to a crime of one degree lower than that of the crime for which he was convicted. If the court does impose sentence pursuant to this paragraph, or if the court imposes a noncustodial or probationary sentence upon conviction for a crime of the first or second degree, such sentence shall not become final for 10 days in order to permit the appeal of such sentence by the prosecution.

g. Imposition of Noncustodial Sentences in Certain Cases. If the court, in considering the aggravating factors set forth in subsection a., finds the aggravating factor in paragraph a.(2) or a.(12) and does not impose a custodial sentence, the court shall specifically place on the record the mitigating factors which justify the imposition of a noncustodial sentence.

h. Except as provided in section 2 of P.L.1993, c.123 (C.2C:43-11), the presumption of imprisonment as provided in subsection d. of this section shall not preclude the admission of a person to the Intensive Supervision Program, established pursuant to the Rules Governing the Courts of the State of New Jersey.

C.2C:43-11 Program of intensive supervision, eligibility.

2. a. No custodial sentence imposed pursuant to Chapters 43, 44 or 45 of Title 2C shall be changed to permit entry into any program of intensive supervision established pursuant to the Rules Governing the Courts of the State of New Jersey if the inmate:

(1) Is serving a sentence for a conviction of any crime of the first degree; or

(2) Is serving a sentence for a conviction of any offense in which the sentencing court found that there is a substantial likeli-

hood that the defendant is involved in organized criminal activity pursuant to N.J.S. 2C:44-1a(5); or

(3) Is serving any statutorily mandated parole ineligibility, or any parole ineligibility imposed by the court pursuant to subsection b. of N.J.S. 2C:43-6; or

(4) Has previously completed a program of intensive supervision established pursuant to the Rules Governing the Courts of the State of New Jersey; or

(5) Has previously been convicted of a crime of the first degree, or of any offense in any other jurisdiction which, if committed in New Jersey, would constitute a crime of the first degree and the inmate was released from incarceration on the first degree offense within five years of the commission of the offense for which the inmate is applying for intensive supervision.

Nothing in this subsection shall be construed to preclude the program of intensive supervision from imposing more restrictive standards for admission.

b. Unless the inmate is within nine months of parole eligibility and has served at least six months of the sentence, no custodial sentence of an inmate serving a sentence for conviction of any crime of the second degree shall be changed to permit entry into any program of intensive supervision established pursuant to the Rules Governing the Courts of the State of New Jersey, if, within 20 days of receipt of notice of the inmate's application, the county prosecutor or Attorney General objects in writing.

c. If an inmate's application for a change of custodial sentence to permit entry into any program of intensive supervision established pursuant to the Rules Governing the Courts of the State of New Jersey is granted over the objection of the county prosecutor or the Attorney General, the order shall not become final for 20 days or until reconsideration by the Intensive Supervision Resentencing Panel in order to permit the county prosecutor or the Attorney General to appear personally or in writing, with notice to defense counsel, to request reconsideration of the application approval.

d. A victim of the offense for which the inmate was sentenced shall have the right to make a written statement or to appear at a proceeding regarding the application for a change of custodial sentence imposed pursuant to Chapters 43, 44 or 45 of Title 2C for entry into any program of intensive supervision established pursuant to the Rules Governing the Courts of the State of New Jersey.

3. This act shall take effect immediately, except that nothing in section 2 of this act shall be construed to require persons previously admitted to the Intensive Supervision Program, established pursuant to the Rules Governing the Courts of the State of New Jersey to make reapplication for change of sentence.

Approved May 28, 1993.

CHAPTER 124

AN ACT concerning certain public utility fees and charges and fees for the transportation of hazardous materials, supplementing P.L.1983, c.401 (C.39:5B-25 et seq.) and amending and supplementing P.L.1959, c.43.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. Section 1 of P.L.1959, c.43 (C.48:2-56) is amended to read as follows:

C.48:2-56 Fees and charges.

1. The Board of Regulatory Commissioners is hereby empowered, authorized and required to charge and collect fees and charges for the purposes and in the amounts hereinafter set out.

A. Filing of Annual Reports

	Charge Per Report
(1) Sewer	$20 00
Classes A, B, C, and D	20 00
Class E (Income Sheets)	5 00
(2) Railroad	50 00
Nonoperating	10 00
(3) Telephone	
Class A	50 00
Class B	20 00
(4) Water	
Class A	50 00
Classes B and C	20 00
Class D	10 00
Class E (Income Sheets)	5 00
(5) Bus	
Class A	50 00

Class B	25 00
Class C	10 00
(6) Gas	50 00
(7) Electric	50 00
(8) Combination gas and electric	100 00

(9) (Deleted by amendment, P.L.1993, c.124).

B. Examination and Audit of Annual Reports

(1) The total fee is to be based on reported intrastate operating revenues, and, except as noted below for certain interstate utilities, will consist of a base charge plus an incremental charge per unit of $1,000.00 or fraction thereof for each such unit in excess of the lower limit of the indicated range.

If the Reported Operating Revenues Fall within the Range		The Base Charge is	The Incremental Charge per $1,000 Unit is
Under	$10,000	$10 00	.....
$10,000 to	25,000	15 00	.....
25,000 to	50,000	25 00	.....
50,000 to	500,000	25 00	$0 50/M
500,000 to	1,000,000	250 00	0 39/M
1,000,000 to	5,000,000	445 00	0 15/M
5,000,000 to	10,000,000	1,045 00	0 10/M
10,000,000 to	50,000,000	1,545 00	0 08/M
50,000,000 to	100,000,000	4,745 00	0 07/M
100,000,000 to	200,000,000	8,245 00	0 05/M
200,000,000 and over		13,245 00	0 03/M

(2) Public utilities engaged in interstate commerce who are required to file annual reports with the board and who derive 50% or more of their operating revenues from interstate commerce shall pay a fee for examination and audit of their annual report in accordance with the following schedule. The board may establish reasonable rules for the determination of such intrastate revenues in cases where the same have not been reported.

For Intrastate Revenues Within the Range		The Fee is
Under	$10,000	$25 00
$10,000 to	50,000	50 00
50,001 to	200,000	75 00

200,001 to 500,000	150 00
500,001 to 1,000,000	300 00
over 1,000,000	500 00

C. Pamphlets and Publications	Charge Per Copy
(1) Annual report of the Board of Regulatory Commissioners	$2 00
(2) Utility annual report forms	
Sewer	5 00
Income Sheets	2 00
Railroad	10 00
Telephone	10 00
Water	
Classes A, B and C	10 00
Class D	5 00
Class E (Income Sheets)	2 00
Buses	
Class A	10 00
Class B	5 00
Class C	2 00
Gas	10 00
Electric	10 00
(3) Pamphlets containing rules and regulations and all other pamphlets published by the board	
Pamphlets with less than 25 pages	2 00
Pamphlets with 25 pages or more but less than 50 pages	2 50
Pamphlets with 50 pages or more	2 50
Plus $0.25 for each additional 25 pages or fraction thereof in excess of 50 pages	
(4) Uniform system of accounts	10 00
(5) Photocopies of documents or reports--per page	1 00
	Charge for Each Year Covered
(6) Compilation of board's decisions	$2 00
(7) Statistics of utilities--private and municipal	3 00

D. Subpoenas--Petition for and Issuance	Charge per Subpoena
(1) Subpoena for the attendance of witnesses.......	$2 00
(2) Subpoena duces tecum..................................	5 00

E. Applications and Petitions Submitted to the Board

(1) For approval of issuance of securities or evidences of indebtedness the filing fee shall be based on the estimated proceeds before costs and expenses of issuance. When the actual proceeds become known, the fee will be adjusted accordingly. The total filing fee will consist of a base charge plus an incremental charge per unit of $1,000.00 or fraction thereof of proceeds in excess of the lower limit of the range of the indicated block. In the case of stock dividends, the proceeds shall be taken as the amount to be transferred from earned surplus account.

If the proceeds of the Transaction Fall Within the Range		The Base Charge is	The Incremental Charge per $1,000 Unit is
Under	$5,000	$10 00	.....
$5,001 to	10,000	15 00	.....
10,001 to	20,000	30 00	.....
20,001 to	30,000	50 00	.....
30,001 to	100,000	50 00	$0 70/M
100,001 to	500,000	99 00	0 60/M
500,001 to	1,000,000	339 00	0 50/M
1,000,001 to	5,000,000	589 00	0 40/M
5,000,001 to	10,000,000	2,189 00	0 35/M
10,000,001 to	25,000,000	3,939 00	0 30/M
25,000,001 and over		8,439 00	0 25/M

(2) For increases in rates or fares, whether by petition, filing of revised tariff, or by petition for negotiated relief under R.S.48:2-21.1, provided that when two petitions or a petition with an amendment relate to one and the same increase only one fee shall be charged, the fees are to be based on the proposed increase in annual operating revenues for which application is made and will consist of a base charge plus an incremental charge per unit of $1,000.00 or fraction thereof for each such unit in excess of the lower limit of the indicated range.

If the Proposed Increase Falls Within the Range		The Base Charge is	The Incremental Charge per $1,000 Unit is
Up to	$5,000	$25 00	.....
$5,000 to	30,000	25 00	$2 00/M
30,000 to	100,000	75 00	1 80/M
100,000 to	300,000	201 00	1 60/M
300,000 to	600,000	521 00	1 40/M
600,000 to	1,000,000	941 00	1 20/M
1,000,000 to	5,000,000	1,421 00	1 00/M
5,000,000 to	10,000,000	5,421 00	0 80/M
10,000,000 to	20,000,000	9,421 00	0 60/M
20,000,000 and over		15,421 00	0 30/M

Filing of an initial rate, a contract for a special rate or any other document involving a tariff change not otherwise provided for above $25 00

In addition to the filing fee computed in accordance with the foregoing, the public utility shall pay a processing fee of 1/10 of 1% of the new or initial annual operating revenues or increase in annual operating revenues that may be authorized by the board, which fee in no event shall be less than $25 00

Filing automatic adjustment clause tariff revision......... $25 00

(3) For sales of property or leases of property

(Based on the Consideration or Annual Rental)		Filing Fee
Up to	$1,000	$10 00
$1,001 to	5,000	25 00
5,001 to	10,000	50 00
10,001 to	20,000	75 00
20,001 to	50,000	150 00
50,001 to	100,000	250 00
100,001 and over		350 00

(4) For approval of mergers Filing Fee

The filing fee for approval of mergers is to be based on the total utility plant account of the surviving utility and will be computed according to the schedule of charges set forth herein for sales of property or leases of property.

(5) For approval of a municipal consent $20 00

Where petition requests approval of more than one municipal consent on the same route for each such additional consent......... 10 00

(6) For rehearing, reopening, reargument or reconsideration of any matter	15 00
(7) For approval of contracts under Revised Statutes 48:3-7.1	100 00
(8) For establishment of new railroad-highway crossing at grade	50 00
(9) For grade crossing separation	100 00
(10) For relocation or widening of grade crossing	100 00
(11) For abandonment of grade crossing	50 00
(12) For discontinuance of station agents and stations	50 00
(13) For authority to exercise eminent domain--for each separate parcel of property involved	100 00
(14) Any application or petition not herein specifically designated or described	25 00
(15) For inspection or test of electric, water or gas meter	5 00
(This fee is to be returned to the customer and collected from the utility in cases where the meter is found to be registering fast beyond the allowable limit of accuracy established by the board.)	

F. Autobuses or Other Motor Vehicles

(1) For approval of transfer of municipal consents	$25 00
(2) For approval of conditional sale contract, notes or chattel mortgage based on the principal amount involved	
$5,000 or less	10 00
5,001 to 10,000	15 00
10,001 to 25,000	25 00
25,001 to 50,000	50 00
50,001 to 100,000	75 00
Over $100,000	100 00
(3) For changes, extensions or consolidation of existing autobus routes	25 00
(4) For approval of leases of equipment	25 00

	Charges
(5) For inspection of new bus equipment and issuance of certificate of compliance--each bus	$115 00
(6) Specification recheck--each bus	50 00
(7) For issuance of duplicate certificate of compliance--each	2 00
(8) For inspection of autobus for restoration to service after removal for lack of insurance	70 00
(9) For each periodic inspection of autobus by board's inspector (including first recheck)--each bus	85 00
(10) Additional maintenance recheck--each bus	35 00
(11) Self inspection--each bus	30 00

G. Miscellaneous	Filing Fee
(1) Formal complaints--Costs to be assessed against the respondent utility if the complaint is sustained by the board	$25 00
(2) Answers to formal complaints	10 00
(3) Where the answer sets up a prayer for affirmative relief	25 00
(4) Amendment to any petition or answer	10 00
(5) Reports and statements filed by pipeline companies as required by board's rules issued under the authority of Title 48 of the Revised Statutes except accident reports	200 00
(6) (Deleted by amendment, P.L.1993, c.124.)	
	Charge Per Copy
(7) Extra copy of any decision, order or certificate of the board	2.00
Plus a charge for each page exceeding 2 pages	1 00
(8) Certification of any document	2 50

All filing fees shall be paid at the time of the original filing of the report, application, petition or other document or paper in the matter. No pleading will be considered filed until the appropriate fees are paid. In cases where such payment is not feasible, as may be determined by the board, the amount will be due and payable on the presentation of an invoice.

When a petition covers more than one matter or makes a prayer for relief with respect to more than one matter, the fee for filing the same shall be the sum of the fees that would be paid for each individual matter.

When several utilities or petitioners join in the filing of a single petition, then the fees herein provided shall apply to each petitioner as may be appropriate.

C.48:2-56.1 Deposit, disbursement of bus inspection fees.

2. Moneys received from fees collected by the Department of Transportation pursuant to section 1 of P.L.1959, c.43 (C.48:2-56) for the bus inspection program shall be deposited in the General Fund and shall be disbursed to the department, subject to appropriation, to defray the expenses of the bus inspection program.

C.39:5B-31.1 Annual report; rules and regulations; deposit, disbursement of fees.

3. a. Notwithstanding any provision of Title 39 or Title 48 of the Revised Statutes to the contrary, the Commissioner of Transportation shall require all railroads operating in the State of New Jersey to annually report to the department the number of placarded rail freight cars transporting hazardous materials, as defined pursuant to P.L.1983, c.401 (C.39:5B-25 et seq.), originating or terminating in the State, and shall annually pay the department a $3 fee per placarded rail freight car transporting hazardous materials which originates or terminates in this State during the reporting year.

b. After a 24-month period following the effective date of this amendatory and supplementary act, the Commissioner of Transportation may, annually or less frequently, adopt regulations in accordance with the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.) providing for the revision of the fee set forth is subsection a. of this section, provided, however that such fee shall not be increased by more than the increase in the consumer price index for all urban wage earners and clerical workers (CPI-W) in the Philadelphia-New Jersey Area, as reported by the United States Department of Labor for the period since the fee was last determined.

c. Moneys received from fees collected pursuant to this section shall be deposited in the General Fund and shall be disbursed to the department, subject to appropriation, to defray the expenses of the placarded rail freight car transporting hazardous materials program.

4. This act shall take effect on the first Monday of the first month following enactment.

Approved May 28, 1993.

CHAPTER 125

AN ACT concerning the identification of lessees of motor vehicles, amending R.S.39:1-1 and R.S.39:3-4.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. R.S.39:1-1 is amended to read as follows:

Words and phrases defined.

39:1-1. Words and phrases defined

As used in this subtitle, unless other meaning is clearly apparent from the language or context or unless inconsistent with the manifest intention of the Legislature:

"Alley" means a public highway wherein the roadway does not exceed 12 feet in width.

"Authorized emergency vehicles" means vehicles of the fire department, police vehicles and such ambulances and other vehicles as are approved by the Director of the Division of Motor Vehicles in the Department of Law and Public Safety when operated in response to an emergency call.

"Automobile" includes all motor vehicles except motorcycles.

"Berm" means that portion of the highway exclusive of roadway and shoulder, bordering the shoulder but not to be used for vehicular travel.

"Business district" means that portion of a highway and the territory contiguous thereto, where within any 600 feet along such highway there are buildings in use for business or industrial purposes, including but not limited to hotels, banks, office buildings, railroad stations, and public buildings which occupy at least 300 feet of frontage on one side or 300 feet collectively on both sides of the roadway.

"Car pool" means two or more persons commuting on a daily basis to and from work by means of a vehicle with a seating capacity of nine passengers or less.

"Commercial motor vehicle" includes every type of motor-driven vehicle used for commercial purposes on the highways, such as the transportation of goods, wares and merchandise, excepting such vehicles as are run only upon rails or tracks and vehicles of the passenger car type used for touring purposes or the carrying of farm products and milk, as the case may be.

"Commissioner" means the Director of the Division of Motor Vehicles in the Department of Law and Public Safety of this State.

"Commuter van" means a motor vehicle having a seating capacity of not less than seven nor more than 15 adult passengers, in which seven or more persons commute on a daily basis to and from work and which vehicle may also be operated by the driver or other designated persons for their personal use.

"Crosswalk" means that part of a highway at an intersection included within the connections of the lateral lines of the sidewalks on opposite sides of the highway measured from the curbs or, in the absence of curbs, from the edges of the shoulder or, if none, from the edges of the roadway; also, any portion of a highway at an intersection or elsewhere distinctly indicated for pedestrian crossing by lines or other marking on the surface.

"Dealer" includes every person actively engaged in the business of buying, selling or exchanging motor vehicles or motorcycles and who has an established place of business.

"Department" means the Division of Motor Vehicles in the Department of Law and Public Safety of this State acting directly or through its duly authorized officers or agents.

"Deputy commissioner" means deputy director of the Division of Motor Vehicles in the Department of Law and Public Safety.

"Deputy director" means deputy director of the Division of Motor Vehicles in the Department of Law and Public Safety.

"Director" means the Director of the Division of Motor Vehicles in the Department of Law and Public Safety.

"Division" means the Division of Motor Vehicles in the Department of Law and Public Safety acting directly or through its duly authorized officers or agents.

"Driver" means the rider or driver of a horse, bicycle or motorcycle or the driver or operator of a motor vehicle, unless otherwise specified.

"Explosives" means any chemical compound or mechanical mixture that is commonly used or intended for the purpose of producing an explosion and which contains any oxidizing and combustive units or other ingredients in such proportions, quantities or packing that an ignition by fire, friction, by concussion, by percussion, or by detonator of any part of the compound or mixture may cause such a sudden generation of highly heated gases that the resultant gaseous pressures are capable of producing destructive effects on contiguous objects or of destroying life or limb.

"Farm tractor" means every motor vehicle designed and used primarily as a farm implement for drawing plows, mowing machines, and other implements of husbandry.

"Flammable liquid" means any liquid having a flash point below 200° Fahrenheit, and a vapor pressure not exceeding 40 pounds.

"Gross weight" means the combined weight of a vehicle and a load thereon.

"High occupancy vehicle" or "HOV" means a vehicle which is used to transport two or more persons and shall include public transportation, car pool, van pool and other vehicles as determined by regulation of the Department of Transportation.

"Highway" means the entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel.

"Horse" includes mules and all other domestic animals used as draught animals or beasts of burden.

"Inside lane" means the lane nearest the center line of the roadway.

"Intersection" means the area embraced within the prolongation of the lateral curb lines or, if none, the lateral boundary lines of two or more highways which join one another at an angle, whether or not one such highway crosses another.

"Laned roadway" means a roadway which is divided into two or more clearly marked lanes for vehicular traffic.

"Leased motor vehicle" means any motor vehicle subject to registration in this State which:

a. Is offered for rental or lease, without a driver, to be operated by the lessee, his agent or servant, for purposes other than the transportation of passengers for hire; and

b. Is leased or rented for a period of one year or more following registration.

"Limited-access highway" means every highway, street, or roadway in respect to which owners or occupants of abutting lands and other persons have no legal right of access to or from the same except at such points only and in such manner as may be determined by the public authority having jurisdiction over such highway, street, or roadway; and includes any highway designated as a "freeway" or "parkway" by authority of law.

"Local authorities" means every county, municipal and other local board or body having authority to adopt local police regulations under the Constitution and laws of this State, including every county governing body with relation to county roads.

"Magistrate" means any municipal court and the Superior Court, and any officer having the powers of a committing magistrate and the Director of the Division of Motor Vehicles in the Department of Law and Public Safety.

"Manufacturer" means a person engaged in the business of manufacturing or assembling motor vehicles, who will, under normal business conditions during the year, manufacture or assemble at least 10 new motor vehicles.

"Metal tire" means every tire the surface of which in contact with the highway is wholly or partly of metal or other hard nonresilient material.

"Motorized bicycle" means a pedal bicycle having a helper motor characterized in that either the maximum piston displacement is less than 50 cc. or said motor is rated at no more than 1.5 brake horsepower and said bicycle is capable of a maximum speed of no more than 25 miles per hour on a flat surface.

"Motorcycle" includes motorcycles, motor bikes, bicycles with motor attached and all motor-operated vehicles of the bicycle or tricycle type, except motorized bicycles as defined in this section, whether the motive power be a part thereof or attached thereto and having a saddle or seat with driver sitting astride or upon it or a platform on which the driver stands.

"Motor-drawn vehicle" includes trailers, semitrailers, or any other type of vehicle drawn by a motor-driven vehicle.

"Motor vehicle" includes all vehicles propelled otherwise than by muscular power, excepting such vehicles as run only upon rails or tracks and motorized bicycles.

"Noncommercial truck" means every motor vehicle designed primarily for transportation of property, and which is not a "commercial vehicle."

"Official traffic control devices" means all signs, signals, markings, and devices not inconsistent with this subtitle placed or erected by authority of a public body or official having jurisdiction for the purpose of regulating, warning, or guiding traffic.

"Omnibus" includes all motor vehicles used for the transportation of passengers for hire, except commuter vans and vehicles used in ridesharing arrangements and school buses, if the same are not otherwise used in the transportation of passengers for hire.

"Operator" means a person who is in actual physical control of a vehicle or street car.

"Outside lane" means the lane nearest the curb or outer edge of the roadway.

"Owner" means a person who holds the legal title of a vehicle, or if a vehicle is the subject of an agreement for the conditional sale or lease thereof with the right of purchase upon performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee or lessee, or if a mortgagor of a vehicle is entitled to possession, then the conditional vendee, lessee or mortgagor shall be deemed the owner for the purpose of this subtitle.

"Parking" means the standing or waiting on a street, road or highway of a vehicle not actually engaged in receiving or discharging passengers or merchandise, unless in obedience to traffic regulations or traffic signs or signals.

"Passenger automobile" means all automobiles used and designed for the transportation of passengers, other than omnibuses and school buses.

"Pedestrian" means a person afoot.

"Person" includes natural persons, firms, copartnerships, associations, and corporations.

"Pneumatic tire" means every tire in which compressed air is designed to support the load.

"Pole trailer" means every vehicle without motive power designed to be drawn by another vehicle and attached to the towing vehicle by means of a reach, or pole, or by being boomed or otherwise secured to the towing vehicle, and ordinarily used for transporting long or irregularly shaped loads, such as poles, pipes, or structural members capable, generally, of sustaining themselves as beams between the supporting connections.

"Private road or driveway" means every road or driveway not open to the use of the public for purposes of vehicular travel.

"Railroad train" means a steam engine, electric or other motor, with or without cars coupled thereto, operated upon rails, except street cars.

"Residence district" means that portion of a highway and the territory contiguous thereto, not comprising a business district, where within any 600 feet along such highway there are buildings in use for business or residential purposes which occupy 300 feet or more of frontage on at least one side of the highway.

"Ridesharing" means the transportation of persons in a motor vehicle, with a maximum carrying capacity of not more than 15 passengers, including the driver, where such transportation is incidental to the purpose of the driver. The term shall include such ridesharing arrangements known as car pools and van pools.

"Right-of-way" means the privilege of the immediate use of the highway.

"Road tractor" means every motor vehicle designed and used for drawing other vehicles and not so constructed as to carry any load thereon either independently or any part of the weight of a vehicle or load so drawn.

"Roadway" means that portion of a highway improved, designed, or ordinarily used for vehicular travel, exclusive of the berm or shoulder. In the event a highway includes two or more separate roadways the term "roadway" as used herein shall refer to any such roadway separately, but not to all such roadways, collectively.

"Safety zone" means the area or space officially set aside within a highway for the exclusive use of pedestrians, which is so plainly marked or indicated by proper signs as to be plainly visible at all times while set apart as a safety zone.

"School bus" means every motor vehicle operated by, or under contract with, a public or governmental agency, or religious or other charitable organization or corporation, or privately operated for compensation for the transportation of children to or from school for secular or religious education which complies with the regulations of the Department of Education affecting school buses including "School Vehicle Type I" and "School Vehicle Type II" as defined below:

"School Vehicle Type I" means any vehicle with a seating capacity of 17 or more, used to transport enrolled children, and adults only when serving as chaperones, to or from a school, school connected activity, day camp, summer day camp, nursery school, child care center, preschool center or other similar places of education. Such vehicle shall comply with the regulations of the Division of Motor Vehicles and either the Department of Education or the Department of Human Services whichever is the appropriate supervising agency.

"School Vehicle Type II" means any vehicle with a seating capacity of 16 or less, used to transport enrolled children, and adults only when serving as chaperones, to or from a school, school connected activity, day camp, summer day camp, nursery school, child care center, preschool center or other similar places of education. Such vehicle shall comply with the regulations of the Division of Motor Vehicles and either the Department of Education or the Department of Human Services whichever is the appropriate supervising agency.

"School zone" means that portion of a highway which is either contiguous to territory occupied by a school building or is where school crossings are established in the vicinity of a school, upon which are maintained appropriate "school signs" in accordance with specifications adopted by the director and in accordance with law.

"School crossing" means that portion of a highway where school children are required to cross the highway in the vicinity of a school.

"Semitrailer" means every vehicle with or without motive power, other than a pole trailer, designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that some part of its weight and that of its load rests upon or is carried by another vehicle.

"Shipper" means any person who shall deliver, or cause to be delivered, any commodity, produce or article for transportation as the contents or load of a commercial motor vehicle. In the case of a sealed ocean container, "shipper" shall not be construed to include any person whose activities with respect to the shipment are limited to the solicitation or negotiation of the sale, resale, or exchange of the commodity, produce or article within that container.

"Shoulder" means that portion of the highway, exclusive of and bordering the roadway, designed for emergency use but not ordinarily to be used for vehicular travel.

"Sidewalk" means that portion of a highway intended for the use of pedestrians, between the curb line or the lateral line of a shoulder, or if none, the lateral line of the roadway, and the adjacent right-of-way line.

"Sign." See "Official traffic control devices."

"Slow-moving vehicle" means a vehicle run at a speed less than the maximum speed then and there permissible.

"Solid tire" means every tire of rubber or other resilient material which does not depend upon compressed air for the support of the load.

"Street" means the same as highway.

"Street car" means a car other than a railroad train, for transporting persons or property and operated upon rails principally within a municipality.

"Stop," when required, means complete cessation from movement.

"Stopping or standing," when prohibited, means any cessation of movement of a vehicle, whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic control sign or signal.

"Through highway" means every highway or portion thereof at the entrances to which vehicular traffic from intersecting highways is required by law to stop before entering or crossing the same and when stop signs are erected as provided in this chapter.

"Trackless trolley" means every motor vehicle which is propelled by electric power obtained from overhead trolley wires but not operated upon rails.

"Traffic" means pedestrians, ridden or herded animals, vehicles, street cars, and other conveyances either singly, or together, while using any highway for purposes of travel.

"Traffic control signal" means a device, whether manually, electrically, mechanically, or otherwise controlled, by which traffic is alternately directed to stop and to proceed.

"Trailer" means every vehicle with or without motive power, other than a pole trailer, designed for carrying persons or property and for being drawn by a motor vehicle so constructed that no part of its weight rests upon the towing vehicle.

"Truck" means every motor vehicle designed, used, or maintained primarily for the transportation of property.

"Truck tractor" means every motor vehicle designed and used primarily for drawing other vehicles and not so constructed as to carry a load other than a part of the weight of the vehicle and load so drawn.

"Van pooling" means seven or more persons commuting on a daily basis to and from work by means of a vehicle with a seating arrangement designed to carry seven to 15 adult passengers.

"Vehicle" means every device in, upon or by which a person or property is or may be transported upon a highway, excepting devices moved by human power or used exclusively upon stationary rails or tracks or motorized bicycles.

2. R.S.39:3-4 is amended to read as follows:

Registration of automobiles and motorcycles; application; registration certificates; expiration; issuance; violations; notification.

39:3-4. Except as hereinafter provided, every resident of this State and every nonresident whose automobile or motorcycle shall be driven in this State shall, before using such vehicle on the public highways, register the same, and no automobile or motorcycle shall be driven unless so registered.

Such registration shall be made in the following manner: An application in writing, signed by the applicant or by an agent or officer, in case the applicant is a corporation, shall be made to the director or his lawful agent, on forms prepared and supplied by the director, containing the name, street address of the residence or the business of the owner, mailing address, if different from the street address of the owner's residence or business, and age of the owner, together with a description of the character of the automobile or motorcycle, including the name of the maker and the manufacturer's number or the motor number, or both, and any other statement that may be required by the director. A post office box shall appear on the application only as part of a mailing address that is submitted by the owner, agent or officer, as the case may be, in addition to the street address of the applicant's residence or business. An owner whose last address appears on the records of the division as a post office box shall change his address on his application for renewal to the street address of his residence or business and, if different from his street address, his mailing address. If the vehicle is insured by motor vehicle liability insurance, as required by law, the application shall contain the name of the insurer of said vehicle and the policy number. If the vehicle is a leased motor vehicle, the application shall make note of that fact and shall include along with the name and street address of the lessor the name, street address and driver license number of the lessee. A lessor of a leased motor vehicle shall notify the director in writing, on such form as the director may prescribe, of the termination of a lease or of a change of the lessee within seven days after the termination or change.

Thereupon the director shall have the power to grant a registration certificate to the owner of any motor vehicle, if over 17 years of age, application for the registration having been properly made and the fee therefor paid, and the vehicle being of a type that complies with the requirements of this subtitle. The form and contents of the registration certificate to be issued shall be prescribed by the director.

If the vehicle is a leased motor vehicle, the registration certificate shall, in addition to containing the name and street address of the lessor, identify the vehicle as a leased motor vehicle.

The director shall maintain a record of all registration certificates issued, and of the contents thereof.

Every registration shall expire and the certificate thereof become void on the last day of the twelfth calendar month following the calendar month in which the certificate was issued; provided, however, that the director may, at his discretion and for good cause shown, require registrations which shall expire, and issue certificates thereof which shall become void, on a date fixed by him, which date shall not be sooner than three months nor later than 16 months after the date of issuance of such certificates, and the fees for such registrations shall be fixed by the director in amounts proportionately less or greater than the fees established in this Title.

All motorcycles for which registrations have been issued prior to the effective date of P.L.1989, c.167 and which are scheduled to expire between November 1 and March 31 shall, upon renewal, be issued registrations by the director which shall expire on a date fixed by him, but in no case shall that expiration date be earlier than April 30 nor later than October 31. The fees for the renewal of the motorcycle registrations authorized under this paragraph shall be fixed by the director in an amount proportionately less or greater than the fee established by R.S.39:3-21.

The director shall issue registration certificates for the following registration period on and after the first day of the calendar month immediately preceding the commencement of such registration period, such registration certificates to be effective immediately.

Application forms for all renewals of registrations for passenger automobiles shall be mailed by the director from the central office of the division to the last addresses of owners of motor vehicles and motorcycles, as they appear on the records of the division.

No person owning or having control over any unregistered motor vehicle shall permit the same to be parked or to stand on a public highway.

Any police officer is authorized to remove any such unregistered vehicle from the public highway to a storage space or garage, the expense involved in such removal and storing of said motor vehicle to be borne by the owner of such vehicle.

Any person violating the provisions of this section shall be subject to a fine not exceeding $100.00, except that for the misstatement of any fact in the application required to be made to the director, the person making such statement or omitting the statement that the motor vehicle is to be used as a leased motor vehicle when that is the case shall be subject to the penalties provided in R.S.39:3-37.

Nothing in this section shall be construed to alter or extend the expiration date of any registration certificate issued prior to March 1, 1956.

The Division of Motor Vehicles shall make a reasonable effort to notify any lessor whose name and address is on file with the division, or any other lessor the division may determine it is necessary to notify, of the requirements of this amendatory act.

3. This act shall take effect on the first day of the 18th month following enactment and shall apply only to registration certificates or renewals of such certificates applied for and issued after the effective date.

Approved June 1, 1993.

CHAPTER 126

AN ACT concerning the solemnization of marriages and amending R.S.37:1-13.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. R.S.37:1-13 is amended to read as follows:

Authorization to solemnize marriages.

37:1-13. Each judge of a federal district court, United States magistrate, judge of a municipal court, judge of the Superior Court, judge of a tax court, surrogate of any county, county clerk and any mayor or the deputy mayor when authorized by the mayor, or chairman of any township committee or village president of this State, and every minister of every religion, are hereby authorized to solemnize marriage between such persons as may lawfully enter into the matrimonial relation; and every religious society, institution or organization in this State may join together in marriage such persons according to the rules and customs of the society, institution or organization.

2. This act shall take effect immediately.

Approved June 1, 1993.

CHAPTER 127

AN ACT concerning seasonal rentals in certain municipalities, and supplementing Title 40 of the Revised Statutes.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

C.40:48-2.12n Findings, determinations, declarations.

1. The Legislature finds, determines and declares:

a. Many of the shore resort communities in this State, and the residents thereof, have experienced disturbances, damage and public expense resulting from carelessly granted and inadequately supervised seasonal rentals to irresponsible vacationers by inept or indifferent landlords.

b. To preserve the peace and tranquility of those communities for their permanent residents, and to maintain their viability as vacation spots not only for citizens of this State but also for persons and families from far and near whom the beauties and pleasures of the New Jersey shore have historically attracted, it is necessary and desirable that those communities have adequate means to curb and discourage those occasional excesses arising from irresponsible seasonal rentals.

c. Accordingly, it is the purpose of this legislation to enable such communities to take effective action to assure that excesses, when they occur, shall not be repeated, and that landlords offering seasonal rentals be held to sufficient standards of responsibility.

C.40:48-2.12o Definitions.

2. As used in this act:

"Hearing officer" means a person designated pursuant to subsection b. of section 3 of this act to hear and determine proceedings under this act.

"Landlord" means the person or persons who own or purport to own any building in which there is rented or offered for rent housing space for living or dwelling under either a written or oral lease, including but not limited to any building subject to the "Hotel and Multiple Dwelling Law," P.L.1967, c.76 (C.55:13A-1 et seq.), and owner-occupied two-unit premises. In the case of a mobile home park, "landlord" shall mean the owner of an individual dwelling unit within the mobile home park.

"Seasonal rental" means any rental of residential accommodations for a term of less than one year and including any part of the period extending from May 15 to September 15.

"Substantiated complaint" means a complaint which may form the basis for proceedings in accordance with subsection a. of section 4 of this act.

C.40:48-2.12p Ordinance holding landlords of seasonal rentals to standards of responsibility.

3. a. Any municipality in a county of the fifth or sixth class may enact an ordinance holding landlords of seasonal rentals to standards of responsibility in the selection of tenants and supervision of the rental premises, requiring that under certain circumstances, as hereinafter in this act described, such landlords may be required to post adequate bond against the consequences of disorderly behavior of their tenants, and in the case of subse-

quent violations forfeit such bond, in whole or part, in compensation for the consequences of such behavior.

b. To assure impartiality in the administration of such an ordinance, the municipal governing body shall make provision for the hearings and decisions held and made thereunder to be conducted and decided by a licensed attorney of this State who shall not be an owner or lessee of any real property within the municipality, nor hold any interest in the assets of or profits arising from the ownership or lease of such property.

C.40:48-2.12q Provisions of ordinance.

4. An ordinance adopted under authority of this section shall provide:

a. If in any one year a specified number, which shall not be less than three, of complaints, on separate occasions, of disorderly, indecent, tumultuous or riotous conduct upon or in proximity to any seasonal rental premises, and attributable to the acts or incitements of any of the tenants of those premises, have been substantiated by prosecution and conviction in any court of competent jurisdiction, the municipal governing body or any officer or employee of the municipality designated by the governing body for the purpose, may institute proceedings to require the landlord of those premises to post a bond against the consequences of future incidents of the same character.

b. The governing body or person designated pursuant to subsection a. of this section shall cause to be served upon the landlord, in person or by registered mail to the address appearing on the tax records of the municipality, notice advising of the institution of such proceedings, together with particulars of the substantiated complaints upon which those proceedings are based, and of the time and place at which a hearing will be held in the matter, which shall be in the municipal building, municipal court or other public place within the municipality, and which shall be no sooner than 30 days from the date upon which the notice is served or mailed.

c. At the hearing convened pursuant to subsection b. of this section, the hearing officer shall give full hearing to both the complaint of the municipality and to any evidence in contradiction or mitigation that the landlord, if present or represented and offering such evidence, may present. At the conclusion of the hearing the hearing officer shall determine whether the landlord shall be required to post a bond in accordance with the terms of the ordinance.

d. Any bond required to be posted shall be in accordance with the judgment of the hearing officer, in light of the nature and extent of the offenses indicated in the substantiated complaints upon which the proceedings are based, to be adequate in the case of subsequent offenses to make reparation for (1) damages likely to be caused to public or private property and damages consequent upon disruption of affected residents' rights of fair use and quiet possession of their premises, (2) securing the payment of fines and penalties likely to be levied for such offenses, and (3) compensating the municipality for the costs of repressing and prosecuting such incidents of disorderly behavior; but no such bond shall be in an amount less than $500 or more than $5,000. The municipality may enforce the bond thus required by action in the Superior Court, and shall be entitled to an injunction prohibiting the landlord from making or renewing any lease of the affected premises for residential purposes until that bond or equivalent security, in satisfactory form and amount, has been deposited with the municipality.

e. A bond or other security deposited in compliance with subsection d. of this section shall remain in force for a period specified pursuant to the ordinance, which shall be not less than two or more than four years. Upon the lapse of the specified period the landlord shall be entitled to the discharge thereof, unless prior thereto further proceedings leading to a forfeiture or partial forfeiture of the bond or other security shall have been had under section 5 of this act, in which case the security shall be renewed, in an amount and for a period that shall be specified by the hearing officer.

C.40:48-2.12r Complaints, proceedings against landlord.

5. a. If during the period for which a landlord is required to give security pursuant to section 4 of this act a substantiated complaint is recorded against the property in question, the governing body or its designee may institute proceedings against the landlord for the forfeiture or partial forfeiture of the security, for an extension as provided in subsection e. of section 4 of this act, of the period for which such security is required, or for an increase in the amount of security required, or for any or all of those purposes.

b. Any forfeiture or partial forfeiture of security shall be determined by the hearing officer solely in accordance with the amount deemed necessary to provide for the compensatory purposes set forth in subsection d. of section 4 of this act. Any decision by the hearing officer to increase the amount or extend the period of the required security shall be determined in light of the same factors set forth in subsection d. of subsection 4 of this act, and shall be taken only to the extent that the nature of the substantiated complaint or complaints out of which proceedings arise under this section indicates the appropriateness of such change in order to carry out the purposes of this act effectually. The decision of the hearing officer in such circumstances shall be enforceable in the same manner as provided in subsection d. of section 4 of this act.

6. This act shall take effect immediately.

Approved June 1, 1993.

CHAPTER 128

AN ACT concerning the administration of the thoroughbred award program and amending P.L.1940, c.17.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. Section 46 of P.L.1940, c.17 (C.5:5-66) is amended to read as follows:

C.5:5-66 Disposition of undistributed deposits.

46. Every permitholder engaged in the business of conducting horse race meetings under this act, except the New Jersey Sports and Exposition Authority established pursuant to P.L.1971, c.137 (C.5:10-1 et seq.) and the Garden State Racetrack as provided in section 5 of P.L.1982, c.201 (C.5:5-98), shall make disposition of the deposits remaining undistributed pursuant to section 44 as follows:

a. In the case of harness races:

(1) Pay to the commission 1.25% of so much of the total contributions to all parimutuel pools conducted or made during such calendar year on any and every horse race track granted a permit under this act. Notwithstanding the foregoing, for pools where the patron is required to select two horses, the permitholder shall pay to the commission 2.25% of the total contributions and for pools where the patron is required to select three or more horses, the permitholder shall pay to the commission 5.25% of the total contributions.

Payment on account of such sums to be paid to the commission shall be made every seventh day of any and every race meeting in the amount then due, as determined in the manner provided above, and shall be accompanied by a report under oath showing the total of all such contributions, together with such other information as the commission may require. Except as otherwise provided by law, no admission or amusement tax, excise tax, license or horse racing fee of any kind shall be assessed or collected from any permitholder by the State of New Jersey, or by any county or municipality, or by any other body having power to assess or collect license fees or taxes.

(2) Hold and set aside in an account designated as a special trust account 1.15% of such total contributions in all pools, to be used and distributed as hereinafter provided and as provided in section 5 of P.L.1967, c.40, for the following purposes and no other:

(a) 37% thereof to increase purses and grant awards for starting horses, as provided or as may be provided by rules of the New Jersey Racing Commission, with payment to be made in the same manner as payment of other purses and awards;

(b) 55% thereof for the establishment of a Sire Stakes Program for standardbred horses, with payment to be made to the Department of Agriculture for administration as hereinbefore provided;

(c) 5% thereof for contributions and awards designed to improve and promote the standardbred breeding industry in New Jersey through payment of awards to owners and breeders of New Jersey bred horses which are registered with the Standardbred Breeders' and Owners' Association of New Jersey and which earn portions of purses in open events on New Jersey tracks, and to owners of stallions posted on the official stallion roster of the Standardbred Breeders' and Owners' Association of New Jersey, which sire such registered New Jersey bred money earners;

(d) 3% thereof for other New Jersey horse breeding and promotion conducted by the New Jersey Department of Agriculture.

(3) Retain 7.20% of so much of such total contributions for his own uses and purposes. Notwithstanding the foregoing, for pools where the patron is required to select two horses, the permitholder shall retain 7.70% of the total contributions and for pools where the patron is required to select three or more horses, the permitholder shall retain 9.20% of the total contributions. Each permitholder shall contribute out of its 9.20% share of pools, where the patron is required to select three or more horses, a sum deemed necessary by the racing commission, to finance a prerace

blood testing program, and such other testing programs which the commission shall deem proper and necessary and which shall be subject to the regulation and control of said commission.

(4) Distribute as purse money and for programs designed to aid the horsemen and the Standardbred Breeders' and Owners' Association of New Jersey 7.40% of such total contributions. Expenditures for programs designed to aid the horsemen and the Standardbred Breeders' and Owners' Association of New Jersey shall not exceed 3.2% of the sum available for distribution as purse money. The formula for distribution of the purse money as either overnight purses or special stakes shall be determined by an agreement between the Standardbred Breeders' and Owners' Association of New Jersey and the tracks. Notwithstanding the foregoing, for pools where the patron is required to select two or more horses, the permitholder shall distribute as purse money 7.90% of the total contributions and for pools where the patron is required to select three or more horses, the permitholder shall distribute as purse money 9.40% of the total contributions. Notwithstanding the foregoing, for pools where a patron is required to select three or more horses, each permitholder shall retain out of the 9.40% to be distributed as purse money a sum deemed necessary by the racing commission, for use by the commission to finance a prerace blood testing program, and such other testing programs which the commission shall deem proper and necessary and which shall be subject to the regulation and control of said commission.

b. In the case of running races:

(1) Where the amount derived from the parimutuel handle, excluding the handle derived from intertrack wagering, does not exceed $1 million per day based on such contributions accumulated and averaged during the calendar year, the permitholder shall:

(a) Pay to the commission 30% of 1% of so much of the total contributions to all parimutuel pools conducted or made during such calendar year; but notwithstanding the foregoing, for pools where the patron is required to select three or more horses, the permitholder shall pay to the commission 1.30% of the total contributions.

Payment on account of such sums to be paid to the commission shall be made every seventh day of any and every race meeting in the amount then due, as determined in the manner provided above, and shall be accompanied by a report under oath showing the total of all such contributions, together with such other information as the commission may require. Except as otherwise provided by law, no admission or amusement tax, excise tax, license or horse racing fee of any kind shall be assessed or collected from any permitholder by the State of New Jersey, or by any county or municipality, or by any other body having power to assess or collect license fees or taxes.

(b) Hold and set aside in an account designated as a special trust account 5% of 1% of such total contributions to be used and distributed for State horse breeding and development programs, research, fairs, horse shows, youth activities, promotion and administration, as provided in section 5 of P.L.1967, c.40 (C.5:5-88).

(c) Retain 9.85% of such total contributions for his own uses and purposes. For pools where the patron is required to select two horses, the permitholder shall retain 10.92% of the total contributions and for pools where the patron is required to select three or more horses, the permitholder shall retain 13.33% of the total contributions. Each permitholder shall contribute out of its 13.33% share of pools, where the patron is required to select three or more horses, a sum deemed necessary by the racing commission, to finance a prerace blood testing program, and such other testing programs which the commission shall deem proper and necessary and which shall be subject to the regulation and control of the commission.

(d) Distribute as purse money and for programs designed to aid the horsemen and the New Jersey Horsemen's Benevolent and Protective Association 6.00% of such contributions. Notwithstanding the foregoing, for pools where the patron is required to select two horses, the permitholder shall distribute as purse money 6.93% of such contributions and for pools where the patron is required to select three or more horses, the permitholder shall distribute as purse money 9.02% of the total contributions. Expenditures for programs designed to aid the horsemen and the New Jersey Horsemen's Benevolent and Protective Association shall not exceed 2.5% of the sum available for distribution as purse money from all parimutuel pools. The formula for distribution of the purse money as either overnight purses or special stakes shall be determined by an agreement between the New Jersey Horsemen's Benevolent and Protective Association and the permitholder. Notwithstanding the foregoing, for pools where a patron is required to select three or more horses, each permitholder shall retain out of the 9.02% to be distributed as purse money a sum deemed necessary by the racing commission, for use by the commission to finance a prerace blood testing program, and such other testing programs which the commission shall deem proper and necessary and which shall be subject to the regulation and control of the commission.

(e) 80% of 1% of all pools shall be deducted and set aside in a special trust account for the establishment and support by the commission of the thoroughbred breeding industry in New Jersey; to improve purses for closed races; to provide awards for owners and breeders of registered New Jersey bred horses who earn portions of purses in open and closed races at New Jersey race tracks and to owners of stallions posted on the official stallion roster of the Thoroughbred Breeders' Association of New Jersey, which sire such New Jersey bred money earners and awards to the New Jersey Thoroughbred Breeders' Association for programs beneficial to thoroughbred breeding in this State. The New Jersey thoroughbred award program shall be administered and disbursed by the Thoroughbred Breeders' Association of New Jersey subject to the approval of the commission. The special trust account to be established pursuant to this paragraph shall be separate and apart from the special trust account established and maintained pursuant to subparagraph (b) of this paragraph.

(f) (Deleted by amendment, P.L.1986, c.19.)

(g) Notwithstanding the foregoing, for pools where a patron is required to select three or more horses, 50% of 1% of the total contributions shall be held and set aside in the special trust account referred to in subparagraph (e) of this paragraph.

(2) Where the amount derived from the parimutuel handle, excluding the handle derived from intertrack wagering, exceeds $1 million per day based on such contributions accumulated and averaged during the calendar year, the permitholder shall:

(a) Pay to the commission 50% of 1% of so much of the total contributions to all parimutuel pools conducted or made during such calendar year.

Payment on account of such sums to be paid to the commission shall be made every seventh day of any and every race meeting in the amount then due, as determined in the manner provided above, and shall be accompanied by a report under oath showing the total of all such contributions, together with such other information as the commission may require. Except as otherwise provided by law, no admission or amusement tax, excise tax, license or horse racing fee of any kind shall be assessed or collected from any permitholder by the State of New Jersey, or by any county or municipality, or by any other body having power to assess or collect license fees or taxes.

(b) Hold and set aside in an account designated as a special trust account 5% of 1% of such total contributions to be used and distributed for State horse breeding and development programs, research, fairs, horse shows, youth activities, promotion and administration, as provided in section 5 of P.L.1967, c.40 (C.5:5-88).

(c) Retain 9.07% of such total contributions for his own uses and purposes. For pools where the patron is required to select two horses, the permitholder shall retain 10.14% of the total contributions and for pools where the patron is required to select three or more horses, the permitholder shall retain 13.31% of the total contributions. Each permitholder shall contribute out of its 13.31% share of pools, where the patron is required to select three or more horses, a sum deemed necessary by the racing commission, to finance a prerace blood testing program, and such other testing programs which the commission shall deem proper and necessary and which shall be subject to the regulation and control of the commission.

(d) Distribute as purse money and for programs designed to aid the horsemen and the New Jersey Horsemen's Benevolent and Protective Association 6.58% of such contributions. Notwithstanding the foregoing, for pools where the patron is required to select two horses, the permitholder shall distribute as purse money 7.51% of such contributions and for pools where the patron is required to select three or more horses, the permitholder shall distribute as purse money 9.85% of the total contributions. Expenditures for programs designed to aid the horsemen and the New Jersey Horsemen's Benevolent and Protective Association shall not exceed 2.5% of the sum available for distribution as purse money from all parimutuel pools. The formula for distribution of the purse money as either overnight purses or special stakes shall be determined by an agreement between the New Jersey Horsemen's Benevolent and Protective Association and the permitholder. Notwithstanding the foregoing, for pools where a patron is required to select three or more horses, each permitholder shall retain out of the 9.85% to be distributed as purse money a sum deemed necessary by the racing commission, for use by the commission to finance a prerace blood testing program, and such other testing programs which the commission shall deem proper and necessary and which shall be subject to the regulation and control of the commission.

(e) 80% of 1% of all pools shall be deducted and set aside in a special trust account for the establishment and support by the commission of the thoroughbred breeding industry in New Jersey; to improve purses for closed races; to provide awards for owners and breeders of registered New Jersey bred horses who earn portions of purses in open and closed races at New Jersey race tracks and to owners of stallions posted on the official stallion roster of the Thoroughbred Breeders' Association of New Jersey, which sire such New Jersey bred money earners and awards to New Jersey thoroughbred breeders' associations for programs beneficial to thoroughbred breeding in this State. The New Jersey thoroughbred award program shall be administered and disbursed by the Thoroughbred Breeders' Association of New Jersey subject to the approval of the commission. The special trust account to be established pursuant to this paragraph shall be separate and apart from the special trust account established and maintained pursuant to subparagraph (b) of this paragraph.

(f) (Deleted by amendment, P.L.1986, c.19.)

(g) Notwithstanding the foregoing, for pools where a patron is required to select three or more horses, 49% of 1% of the total contributions shall be held and set aside in the special trust account referred to in subparagraph (e) of this paragraph.

2. This act shall take effect immediately.

Approved June 1, 1993.

CHAPTER 129

AN ACT increasing the membership of the boards of taxation of certain counties and amending R.S.54:3-2.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. R.S.54:3-2 is amended to read as follows:

Taxation board members.

54:3-2. Each board shall, as heretofore, be known as the county board of taxation, and be composed of three members, except as hereinafter provided, to be appointed by the Governor by and with the advice and consent of the Senate. Each member shall be a resident and citizen of the county in and for which he is appointed. Members shall be chosen because of their special qualifications, knowledge and experience in matters concerning the valuation and taxation of property, particularly of real property. At no time shall more than two of the members belong to the same political party. In counties of the first class and in counties of the fifth class having a population of more than 400,000 there shall be five members of whom no more than three shall belong to the same political party. For the purposes of this section, "population" means the

State population according to the 1990 federal decennial census. Each member shall, within 24 months of appointment, unless the member shall have served as a member of the county board of taxation continuously for at least 10 years prior to the effective date of P.L.1981, c.516, was reappointed to a five-year term prior to that date, and is currently serving that term, furnish proof that he has received certificates indicating satisfactory completion of training courses designated in section 4 of P.L.1967, c.44 (C.54:1-35.28) or that he possesses an assessor's certificate issued pursuant to P.L.1967, c.44, as supplemented. Each member serving on the effective date of P.L.1979, c.499, unless the member shall have served as a member continuously for at least 10 years prior to the effective date of P.L.1981, c.516, was reappointed to a five-year term prior to that date, and is currently serving that term, shall furnish such proof within 30 months of such effective date, if 30 months or more of his term are remaining thereafter.

If any member so required does not furnish such proof within said 24-month period, or 30-month period for any member serving on the effective date of P.L.1979, c.499, the county tax administrator shall immediately notify the president of the county board of taxation and the Director of the Division of Taxation. The director shall upon the receipt of such notification declare the position to be vacant, and shall notify the Governor of the existence of such vacancy. The Governor shall thereupon appoint, with the advice and consent of the Senate, a different citizen and resident of the relative county to fill such position for the unexpired term.

2. This act shall take effect immediately.

Approved June 1, 1993.

CHAPTER 130

AN ACT concerning the Delaware River and Bay Authority and authorizing certain projects.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. For the purposes of complying with the provisions of section 1 of P.L.1989, c.191 (C.32:11E-1.1) the Delaware River and Bay Authority created pursuant to the "Delaware-New Jersey Compact," enacted pursuant to 53 Laws of Delaware, Chapter 145 (17 Del. C. §1701 et seq.) and P.L.1961, c.66 (C.32:11E-1 et seq.), with the consent of the Congress of the United States in accordance with Pub.L.87-678 (1962), is authorized to approve the Pennsville Township Economic Development Plan located in the Township of Pennsville, Salem County, including bulkhead protection at an estimated cost of $1,000,000, boat ramp and parking lot installation at an estimated cost of $400,000, reconstruction and upgrade of Riviera Drive at an estimated cost of $750,000, and construction of a promenade at an estimated cost of $100,000, all of which shall be considered a project of the authority as defined pursuant to Article II of the "Delaware-New Jersey Compact," P.L.1961, c.66, as amended pursuant to P.L.1989, c.192 (C.32:11E-1 et seq.).

2. This act shall take effect immediately.

Approved June 1, 1993.

CHAPTER 131

AN ACT concerning the waiver of building restrictions imposed on certain public or private sales and amending P.L.1943, c.33.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. Section 1 of P.L.1943, c.33 (C.40:60-51.2) is amended to read as follows:

C.40:60-51.2 Power to waive restrictions.

1. Any municipality is authorized and empowered, by resolution of the governing body thereof, to waive, release, modify or subordinate any terms, covenants, conditions, limitations or reverters imposed in sales and conveyances of lands as to the erection, alteration or demolition of buildings or any other use to be made of land heretofore imposed by said municipality to accomplish the purposes for which such lands were sold and conveyed either at public or private sale made prior to January 1, 1990, but only after public hearing held before such governing body, of the holding of which notice describing the lands in question, and the terms, covenants, conditions, limitations or reverters to be waived, released, modified or subordinated, and, if to be modified or subordinated, describing the manner in which the same shall be modified or subordinated, shall first have been given by advertisement published once each week for two weeks in a newspaper published in said municipality or, if no newspaper be published therein, then in a newspaper circulating in such municipality, provided, however, that the power herein granted shall not be exercised to impair any vested or contractual rights of third parties.

2. This act shall take effect immediately.

Approved June 1, 1993.

CHAPTER 132

AN ACT concerning the penalties for certain crimes committed with stolen motor vehicles and amending N.J.S.2C:44-1 and N.J.S.2C:44-3.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. N.J.S.2C:44-1 is amended to read as follows:

Criteria for withholding or imposing sentence of imprisonment.

2C:44-1. Criteria for Withholding or Imposing Sentence of Imprisonment. a. In determining the appropriate sentence to be

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imposed on a person who has been convicted of an offense, the court shall consider the following aggravating circumstances:

(1) The nature and circumstances of the offense, and the role of the actor therein, including whether or not it was committed in an especially heinous, cruel, or depraved manner;

(2) The gravity and seriousness of harm inflicted on the victim, including whether or not the defendant knew or reasonably should have known that the victim of the offense was particularly vulnerable or incapable of resistance due to advanced age, ill-health, or extreme youth, or was for any other reason substantially incapable of exercising normal physical or mental power of resistance;

(3) The risk that the defendant will commit another offense;

(4) A lesser sentence will depreciate the seriousness of the defendant's offense because it involved a breach of the public trust under chapters 27 and 30, or the defendant took advantage of a position of trust or confidence to commit the offense;

(5) There is a substantial likelihood that the defendant is involved in organized criminal activity;

(6) The extent of the defendant's prior criminal record and the seriousness of the offenses of which he has been convicted;

(7) The defendant committed the offense pursuant to an agreement that he either pay or be paid for the commission of the offense and the pecuniary incentive was beyond that inherent in the offense itself;

(8) The defendant committed the offense against a police or other law enforcement officer, correctional employee or fireman, acting in the performance of his duties while in uniform or exhibiting evidence of his authority, or the defendant committed the offense because of the status of the victim as a public servant;

(9) The need for deterring the defendant and others from violating the law;

(10) The offense involved fraudulent or deceptive practices committed against any department or division of State government;

(11) The imposition of a fine, penalty or order of restitution without also imposing a term of imprisonment would be perceived by the defendant or others merely as part of the cost of doing business, or as an acceptable contingent business or operating expense associated with the initial decision to resort to unlawful practices;

(12) The defendant committed the offense against a person who he knew or should have known was 60 years of age or older, or disabled;

(13) The defendant, while in the course of committing or attempting to commit the crime, including the immediate flight therefrom, used or was in possession of a stolen motor vehicle.

b. In determining the appropriate sentence to be imposed on a person who has been convicted of an offense, the court may properly consider the following mitigating circumstances:

(1) The defendant's conduct neither caused nor threatened serious harm;

(2) The defendant did not contemplate that his conduct would cause or threaten serious harm;

(3) The defendant acted under a strong provocation;

(4) There were substantial grounds tending to excuse or justify the defendant's conduct, though failing to establish a defense;

(5) The victim of the defendant's conduct induced or facilitated its commission;

(6) The defendant has compensated or will compensate the victim of his conduct for the damage or injury that he sustained, or will participate in a program of community service;

(7) The defendant has no history of prior delinquency or criminal activity or has led a law-abiding life for a substantial period of time before the commission of the present offense;

(8) The defendant's conduct was the result of circumstances unlikely to recur;

(9) The character and attitude of the defendant indicate that he is unlikely to commit another offense;

(10) The defendant is particularly likely to respond affirmatively to probationary treatment;

(11) The imprisonment of the defendant would entail excessive hardship to himself or his dependents;

(12) The willingness of the defendant to cooperate with law enforcement authorities;

(13) The conduct of a youthful defendant was substantially influenced by another person more mature than the defendant.

c. (1) A plea of guilty by a defendant or failure to so plead shall not be considered in withholding or imposing a sentence of imprisonment.

(2) When imposing a sentence of imprisonment the court shall consider the defendant's eligibility for release under the law governing parole, including time credits awarded pursuant to Title 30 of the Revised Statutes, in determining the appropriate term of imprisonment.

d. Presumption of imprisonment. The court shall deal with a person who has been convicted of a crime of the first or second degree by imposing a sentence of imprisonment unless, having regard to the character and condition of the defendant, it is of the opinion that his imprisonment would be a serious injustice which overrides the need to deter such conduct by others.

e. The court shall deal with a person convicted of an offense other than a crime of the first or second degree, who has not previously been convicted of an offense, without imposing sentence of imprisonment unless, having regard to the nature and circumstances of the offense and the history, character and condition of the defendant, it is of the opinion that his imprisonment is necessary for the protection of the public under the criteria set forth in subsection a.

f. Presumptive Sentences. (1) Except for the crime of murder, unless the preponderance of aggravating or mitigating factors, as set forth in subsections a. and b., weighs in favor of a higher or lower term within the limits provided in N.J.S. 2C:43-6, when a court determines that a sentence of imprisonment is warranted, it shall impose sentence as follows:

(a) To a term of 20 years for aggravated manslaughter or kidnapping pursuant to paragraph (1) of subsection c. of N.J.S. 2C:13-1 when the offense constitutes a crime of the first degree;

(b) Except as provided in paragraph (a) of this subsection to a term of 15 years for a crime of the first degree;

(c) To a term of seven years for a crime of the second degree;

(d) To a term of four years for a crime of the third degree; and

(e) To a term of nine months for a crime of the fourth degree.

In imposing a minimum term pursuant to 2C:43-6b., the sentencing court shall specifically place on the record the aggravating factors set forth in this section which justify the imposition of a minimum term.

Unless the preponderance of mitigating factors set forth in subsection b. weighs in favor of a lower term within the limits authorized, sentences imposed pursuant to 2C:43-7a.(1) shall have a presumptive term of life imprisonment. Unless the preponderance of aggravating and mitigating factors set forth in subsections a. and b. weighs in favor of a higher or lower term within the limits authorized, sentences imposed pursuant to 2C:43-7a.(2) shall have a presumptive term of 50 years' imprisonment; sentences imposed pursuant to 2C:43-7a.(3) shall have a presumptive term of 15 years' imprisonment; and sentences imposed pursuant to 2C:43-7a.(4) shall have a presumptive term of seven years' imprisonment.

In imposing a minimum term pursuant to 2C:43-7b., the sentencing court shall specifically place on the record the aggravating factors set forth in this section which justify the imposition of a minimum term.

(2) In cases of convictions for crimes of the first or second degree where the court is clearly convinced that the mitigating factors substantially outweigh the aggravating factors and where the interest of justice demands, the court may sentence the defendant to a term appropriate to a crime of one degree lower than that of the crime for which he was convicted. If the court does impose sentence pursuant to this paragraph, or if the court imposes a noncustodial or probationary sentence upon conviction for a crime of the first or second degree, such sentence shall not become final for 10 days in order to permit the appeal of such sentence by the prosecution.

g. Imposition of Noncustodial Sentences in Certain Cases. If the court, in considering the aggravating factors set forth in subsection a., finds the aggravating factor in paragraph a.(2) or a.(12) and does not impose a custodial sentence, the court shall specifically place on the record the mitigating factors which justify the imposition of a noncustodial sentence.

h. Except as provided in section 2 of P.L.1993, c.123 (C.2C:43-11), the presumption of imprisonment as provided in subsection d. of this section shall not preclude the admission of a person to the Intensive Supervision Program, established pursuant to the Rules Governing the Courts of the State of New Jersey.

2. N.J.S.2C:44-3 is amended to read as follows:

Criteria for sentence of extended term of imprisonment.

2C:44-3. Criteria for Sentence of Extended Term of Imprisonment.

The court may, upon application of the prosecuting attorney, sentence a person who has been convicted of a crime of the first, second or third degree to an extended term of imprisonment if it finds one or more of the grounds specified in subsection a., b., c., or f. of this section. The court shall, upon application of the prosecuting attorney, sentence a person who has been convicted of a crime, other than a violation of N.J.S.2C:12-1a., N.J.S.2C:33-4 or a violation of section 1 or 2 of P.L.1981, c.282 (C.2C:33-10 or 2C:33-11), to an extended term if it finds, by a preponderance of the evidence, the grounds in subsection e. If the grounds specified in subsection d. are found, and the person is being sentenced for commission of any of the offenses enumerated in N.J.S.2C:43-6c. or N.J.S.2C:43-6g., the court shall sentence the defendant to an extended term as required by N.J.S.2C:43-6c. or N.J.S.2C:43-6g., and application by the prosecutor shall not be required. The finding of the court shall be incorporated in the record.

a. The defendant has been convicted of a crime of the first, second or third degree and is a persistent offender. A persistent offender is a person who at the time of the commission of the crime is 21 years of age or over, who has been previously convicted on at least two separate occasions of two crimes, committed at different times, when he was at least 18 years of age, if the latest in time of these crimes or the date of the defendant's last release from confinement, whichever is later, is within 10 years of the date of the crime for which the defendant is being sentenced.

b. The defendant has been convicted of a crime of the first, second or third degree and is a professional criminal. A professional criminal is a person who committed a crime as part of a continuing criminal activity in concert with two or more persons, and the circumstances of the crime show he has knowingly devoted himself to criminal activity as a major source of livelihood.

c. The defendant has been convicted of a crime of the first, second or third degree and committed the crime as consideration for the receipt, or in expectation of the receipt, of anything of pecuniary value the amount of which was unrelated to the proceeds of the crime or he procured the commission of the offense by payment or promise of payment of anything of pecuniary value.

d. Second offender with a firearm. The defendant is at least 18 years of age and has been previously convicted of any of the following crimes: 2C:11-3, 2C:11-4, 2C:12-1b., 2C:13-1, 2C:14-2a., 2C:14-3a., 2C:15-1, 2C:18-2, 2C:29-5, 2C:39-4a., or has been previously convicted of an offense under Title 2A of the New Jersey Statutes which is equivalent of the offenses enumerated in this subsection and he used or possessed a firearm, as defined in 2C:39-1f., in the course of committing or attempting to commit any of these crimes, including the immediate flight therefrom.

e. The defendant in committing the crime acted, at least in part, with ill will, hatred or bias toward, and with a purpose to intimidate, an individual or group of individuals because of race, color, religion, sexual orientation or ethnicity.

f. The defendant has been convicted of a crime under any of the following sections: N.J.S.2C:11-4, N.J.S.2C:12-1b., N.J.S.2C:13-1, N.J.S.2C:14-2a., N.J.S.2C:14-3a., N.J.S.2C:15-1, N.J.S.2C:18-2, N.J.S.2C:29-2b., N.J.S.2C:29-5, N.J.S.2C:35-5, and in the course of committing or attempting to commit the crime, including the immediate flight therefrom, the defendant used or was in possession of a stolen motor vehicle.

3. This act shall take effect immediately.

Approved June 3, 1993.

CHAPTER 133

AN ACT concerning the disposition of juvenile offenders in certain cases and amending P.L.1982, c.77.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. Section 24 of P.L.1982, c.77 (C.2A:4A-43) is amended to read as follows:

C.2A:4A-43 Disposition of delinquency cases.

24. Disposition of delinquency cases. a. In determining the appropriate disposition for a juvenile adjudicated delinquent the court shall weigh the following factors:

(1) The nature and circumstances of the offense;

(2) The degree of injury to persons or damage to property caused by the juvenile's offense;

(3) The juvenile's age, previous record, prior social service received and out-of-home placement history;

(4) Whether the disposition supports family strength, responsibility and unity and the well-being and physical safety of the juvenile;

(5) Whether the disposition provides for reasonable participation by the child's parent, guardian, or custodian, provided, however, that the failure of a parent or parents to cooperate in the disposition shall not be weighed against the juvenile in arriving at an appropriate disposition;

(6) Whether the disposition recognizes and treats the unique physical, psychological and social characteristics and needs of the child;

(7) Whether the disposition contributes to the developmental needs of the child, including the academic and social needs of the child where he has mental retardation or learning disabilities; and

(8) Any other circumstances related to the offense and the juvenile's social history as deemed appropriate by the court.

b. If a juvenile is adjudged delinquent, and except to the extent that an additional specific disposition is required pursuant to subsection e. or f. of this section, the court may order incarceration pursuant to section 25 of this act or any one or more of the following dispositions:

(1) Adjourn formal entry of disposition of the case for a period not to exceed 12 months for the purpose of determining whether the juvenile makes a satisfactory adjustment, and if during the period of continuance the juvenile makes such an adjustment, dismiss the complaint; provided that if the court adjourns formal entry of disposition of delinquency for a violation of an offense defined in chapter 35 or 36 of Title 2C, of the New Jersey Statutes the court shall assess the mandatory penalty set forth in N.J.S.2C:35-15 but may waive imposition of the penalty set forth in N.J.S.2C:35-16 for juveniles adjudicated delinquent;

(2) Release the juvenile to the supervision of his or her parent or guardian;

(3) Place the juvenile on probation to the chief probation officer of the county or to any other suitable person who agrees to accept the duty of probation supervision for a period not to exceed three years upon such written conditions as the court deems will aid rehabilitation of the juvenile;

(4) Transfer custody of the juvenile to any relative or other person determined by the court to be qualified to care for the juvenile;

(5) Place the juvenile under the care of the Department of Human Services under the responsibility of the Division of Youth and Family Services pursuant to subsection (c) of P.L.1951, c.138, s.2 (C.30:4C-2) for the purpose of providing services in or out of the home. Within 14 days, unless for good cause shown, but not later than 30 days, the Department of Human Services shall submit to the court a service plan, which shall be presumed valid, detailing the specifics of any disposition order. The plan shall be developed within the limits of fiscal and other resources available to the department. If the court determines that the service plan is inappropriate, given existing resources, the department may request a hearing on that determination;

(6) Place the juvenile under the care and custody of the Commissioner of the Department of Human Services for the purpose of receiving the services of the Division of Mental Retardation of that

department, provided that the juvenile has been determined to be eligible for those services under P.L.1965, c.59, s.16 (C.30:4-25.4);

(7) Commit the juvenile, pursuant to the laws governing civil commitment, to the Department of Human Services under the responsibility of the Division of Mental Health and Hospitals for the purpose of placement in a suitable public or private hospital or other residential facility for the treatment of persons who are mentally ill, on the ground that the juvenile, if not committed, would be a probable danger to himself or others or property by reason of mental illness;

(8) Fine the juvenile an amount not to exceed the maximum provided by law for such a crime or offense if committed by an adult and which is consistent with the juvenile's income or ability to pay and financial responsibility to his family, provided that the fine is specially adapted to the rehabilitation of the juvenile or to the deterrence of the type of crime or offense. If the fine is not paid due to financial limitations, the fine may be satisfied by requiring the juvenile to submit to any other appropriate disposition provided for in this section;

(9) Order the juvenile to make restitution to a person or entity who has suffered loss resulting from personal injuries or damage to property as a result of the offense for which the juvenile has been adjudicated delinquent. The court may determine the reasonable amount, terms and conditions of restitution. If the juvenile participated in the offense with other persons, the participants shall be jointly and severally responsible for the payment of restitution. The court shall not require a juvenile to make full or partial restitution if the juvenile reasonably satisfies the court that he does not have the means to make restitution and could not reasonably acquire the means to pay restitution;

(10) Order that the juvenile perform community services under the supervision of a probation department or other agency or individual deemed appropriate by the court. Such services shall be compulsory and reasonable in terms of nature and duration. Such services may be performed without compensation, provided that any money earned by the juvenile from the performance of community services may be applied towards any payment of restitution or fine which the court has ordered the juvenile to pay;

(11) Order that the juvenile participate in work programs which are designed to provide job skills and specific employment training to enhance the employability of job participants. Such programs may be without compensation, provided that any money

earned by the juvenile from participation in a work program may be applied towards any payment of restitution or fine which the court has ordered the juvenile to pay;

(12) Order that the juvenile participate in programs emphasizing self-reliance, such as intensive outdoor programs teaching survival skills, including but not limited to camping, hiking and other appropriate activities;

(13) Order that the juvenile participate in a program of academic or vocational education or counseling, such as a youth service bureau, requiring attendance at sessions designed to afford access to opportunities for normal growth and development. This may require attendance after school, evenings and weekends;

(14) Place the juvenile in a suitable residential or nonresidential program for the treatment of alcohol or narcotic abuse, provided that the juvenile has been determined to be in need of such services; or

(15) Order the parent or guardian of the juvenile to participate in appropriate programs or services when the court has found either that such person's omission or conduct was a significant contributing factor towards the commission of the delinquent act, or, under its authority to enforce litigant's rights, that such person's omission or conduct has been a significant contributing factor towards the ineffective implementation of a court order previously entered in relation to the juvenile;

(16) (a) Place the juvenile in a nonresidential program operated by a public or private agency, providing intensive services to juveniles for specified hours, which may include education, counseling to the juvenile and the juvenile's family if appropriate, vocational training, employment counseling, work or other services; or

(b) Place the juvenile under the custody of the Department of Corrections for placement with any private group home or private residential facility with which the department has entered into a purchase of service contract;

(17) Instead of or in addition to any disposition made according to this section, the court may postpone, suspend, or revoke for a period not to exceed two years the driver's license, registration certificate, or both of any juvenile who used a motor vehicle in the course of committing an act for which he was adjudicated delinquent. In imposing this disposition and in deciding the duration of the postponement, suspension, or revocation, the court shall consider the severity of the delinquent act and the potential effect of the loss of driving privileges on the juvenile's ability to

be rehabilitated. Any postponement, suspension, or revocation shall be imposed consecutively with any custodial commitment;

(18) Order that the juvenile satisfy any other conditions reasonably related to the rehabilitation of the juvenile; or

(19) Order a parent or guardian who has failed or neglected to exercise reasonable supervision or control of a juvenile who has been adjudicated delinquent for an offense which, if committed by an adult, would constitute the crime of theft of a motor vehicle or unlawful taking of a motor vehicle to make restitution to any person or entity who has suffered a loss as a result of that offense. The court may determine the reasonable amount, terms and conditions of restitution.

c. (1) Except as otherwise provided in subsections e. and f. of this section, if the county in which the juvenile has been adjudicated delinquent has a juvenile detention facility meeting the physical and program standards established pursuant to this subsection by the Department of Corrections, the court may, in addition to any of the dispositions not involving placement out of the home enumerated in this section, incarcerate the juvenile in the youth detention facility in that county for a term not to exceed 60 consecutive days. Counties which do not operate their own juvenile detention facilities may contract for the use of approved commitment programs with counties with which they have established agreements for the use of pre-disposition juvenile detention facilities. The Department of Corrections shall promulgate such rules and regulations from time to time as deemed necessary to establish minimum physical facility and program standards for the use of juvenile detention facilities pursuant to this subsection.

(2) No juvenile may be incarcerated in any county detention facility unless the county has entered into an agreement with the Department of Corrections concerning the use of the facility for sentenced juveniles. Upon agreement with the county, the Department of Corrections shall certify detention facilities which may receive juveniles sentenced pursuant to this subsection and shall specify the capacity of the facility that may be made available to receive such juveniles; provided, however, that in no event shall the number of juveniles incarcerated pursuant to this subsection exceed 50% of the maximum capacity of the facility.

(3) The court may fix a term of incarceration under this subsection where:

(a) The act for which the juvenile was adjudicated delinquent, if committed by an adult, would have constituted a crime or repetitive disorderly persons offense;

(b) Incarceration of the juvenile is consistent with the rehabilitative goals of this act and the court is clearly convinced that the aggravating factors substantially outweigh the mitigating factors as set forth in section 25 of this act; and

(c) The detention facility has been certified for admission of adjudicated juveniles pursuant to paragraph (2).

(4) If as a result of incarceration of adjudicated juveniles pursuant to this subsection, a county is required to transport a predisposition juvenile to a juvenile detention facility in another county, the costs of such transportation shall be borne by the Department of Corrections.

d. Whenever the court imposes a disposition upon an adjudicated delinquent which requires the juvenile to perform a community service, restitution, or to participate in any other program provided for in this section other than subsection c., the duration of the juvenile's mandatory participation in such alternative programs shall extend for a period consistent with the program goal for the juvenile and shall in no event exceed one year beyond the maximum duration permissible for the delinquent if he has been committed to a correctional institution.

e. In addition to any disposition the court may impose pursuant to this section or section 25 of P.L.1982, c.77 (C.2A:4A-44), the following orders shall be included in dispositions of the adjudications set forth below:

(1) An order of incarceration for a term of the duration authorized pursuant to this section or section 25 of P.L.1982, c.77 (C.2A:4A-44) or an order to perform community service pursuant to paragraph (10) of subsection b. of this section for a period of at least 60 days, if the juvenile has been adjudicated delinquent for an act which, if committed by an adult, would constitute the crime of theft of a motor vehicle, or the crime of unlawful taking of a motor vehicle in violation of subsection c. of N.J.S.2C:20-10, or the third degree crime of eluding in violation of subsection b. of N.J.S.2C:29-2;

(2) An order of incarceration for a term of the duration authorized pursuant to this section or section 25 of P.L.1982, c.77 (C.2A:4A-44) which shall include a minimum term of 60 days during which the juvenile shall be ineligible for parole, if the juvenile has been adjudicated delinquent for an act which, if committed by an adult, would constitute the crime of aggravated

assault in violation of paragraph (6) of subsection b. of N.J.S.2C:12-1, the second degree crime of eluding in violation of subsection b. of N.J.S.2C:29-2, or theft of a motor vehicle, in a case in which the juvenile has previously been adjudicated delinquent for an act, which if committed by an adult, would constitute unlawful taking of a motor vehicle or theft of a motor vehicle;

(3) An order to perform community service pursuant to paragraph (10) of subsection b. of this section for a period of at least 30 days, if the juvenile has been adjudicated delinquent for an act which, if committed by an adult, would constitute the fourth degree crime of unlawful taking of a motor vehicle in violation of subsection b. of N.J.S.2C:20-10;

(4) An order of incarceration for a term of the duration authorized pursuant to this section or section 25 of P.L.1982, c.77 (C.2A:4A-44) which shall include a minimum term of 30 days during which the juvenile shall be ineligible for parole, if the juvenile has been adjudicated delinquent for an act which, if committed by an adult, would constitute the crime of unlawful taking of a motor vehicle in violation of N.J.S.2C:20-10 or the third degree crime of eluding in violation of subsection b. of N.J.S.2C:29-2, and if the juvenile has previously been adjudicated delinquent for an act which, if committed by an adult, would constitute either theft of a motor vehicle, the unlawful taking of a motor vehicle or eluding.

f. (1) The minimum terms of incarceration required pursuant to subsection e. of this section shall be imposed regardless of the weight or balance of factors set forth in this section or in section 25 of P.L.1982, c.77 (C.2A:4A-44), but the weight and balance of those factors shall determine the length of the term of incarceration appropriate, if any, beyond any mandatory minimum term required pursuant to subsection e. of this section. No time spent in custody prior to adjudication of delinquency shall be considered as time served on a mandatory minimum term of incarceration pursuant to subsection e. of this section.

(2) When a court in a county that does not have a juvenile detention facility or a contractual relationship permitting incarceration pursuant to subsection c. of this section is required to impose a term of incarceration pursuant to subsection e. of this section, the court may, subject to limitations on commitment to State correctional facilities of juveniles who under the age of 11 or developmentally disabled, set a term of incarceration consistent with subsection c. which shall be served in a State

correctional facility. When a juvenile who because of age or developmental disability cannot be committed to a State correctional facility or cannot be incarcerated in a county facility, the court shall order a disposition appropriate as an alternative to any incarceration required pursuant to subsection e.

(3) For purposes of subsection e. of this section, in the event that a "boot camp" program for juvenile offenders should be developed and is available, a term of commitment to such a program shall be considered a term of incarceration.

2. Section 25 of P.L.1982, c.77 (C.2A:4A-44) is amended to read as follows:

C.2A:4A-44 Incarceration - aggravating and mitigating factors.

25. Incarceration--Aggravating and Mitigating Factors

a. (1) Except as provided in subsections e. and f. of section 24 of P.L.1982, c.77 (C.2A:4A-43), in determining whether incarceration is an appropriate disposition, the court shall consider the following aggravating circumstances:

(a) The fact that the nature and circumstances of the act, and the role of the juvenile therein, was committed in an especially heinous, cruel, or depraved manner;

(b) The fact that there was grave and serious harm inflicted on the victim and that based upon his age or mental capacity the juvenile knew or reasonably should have known that the victim was particularly vulnerable or incapable of resistance due to advanced age, disability, ill-health, or extreme youth, or was for any other reason substantially incapable;

(c) The character and attitude of the juvenile indicate that he is likely to commit another delinquent or criminal act;

(d) The juvenile's prior record and the seriousness of any acts for which he has been adjudicated delinquent;

(e) The fact that the juvenile committed the act pursuant to an agreement that he either pay or be paid for the commission of the act and that the pecuniary incentive was beyond that inherent in the act itself;

(f) The fact that the juvenile committed the act against a policeman or other law enforcement officer, correctional employee or fireman, acting in the performance of his duties while in uniform or exhibiting evidence of his authority, or the juvenile committed the act because of the status of the victim as a public servant;

(g) The need for deterring the juvenile and others from violating the law;

(h) The fact that the juvenile knowingly conspired with others as an organizer, supervisor, or manager to commit continuing criminal activity in concert with two or more persons and the circumstances of the crime show that he has knowingly devoted himself to criminal activity as part of an ongoing business activity;

(i) The fact that the juvenile on two separate occasions was adjudged a delinquent on the basis of acts which if committed by an adult would constitute crimes.

(2) In determining whether incarceration is an appropriate disposition the court shall consider the following mitigating circumstances:

(a) The child is under the age of 14;

(b) The juvenile's conduct neither caused nor threatened serious harm;

(c) The juvenile did not contemplate that his conduct would cause or threaten serious harm;

(d) The juvenile acted under a strong provocation;

(e) There were substantial grounds tending to excuse or justify the juvenile's conduct, though failing to establish a defense;

(f) The victim of the juvenile's conduct induced or facilitated its commission;

(g) The juvenile has compensated or will compensate the victim for the damage or injury that the victim has sustained, or will participate in a program of community service;

(h) The juvenile has no history of prior delinquency or criminal activity or has led a law-abiding life for a substantial period of time before the commission of the present act;

(i) The juvenile's conduct was the result of circumstances unlikely to recur;

(j) The character and attitude of the juvenile indicate that he is unlikely to commit another delinquent or criminal act;

(k) The juvenile is particularly likely to respond affirmatively to noncustodial treatment;

(l) The separation of the juvenile from his family by incarceration of the juvenile would entail excessive hardship to himself or his family;

(m) The willingness of the juvenile to cooperate with law enforcement authorities;

(n) The conduct of the juvenile was substantially influenced by another person more mature than the juvenile.

b. (1) There shall be a presumption of nonincarceration for any crime or offense of the fourth degree or less committed by a juvenile who has not previously been adjudicated delinquent or convicted of a crime or offense.

(2) Where incarceration is imposed, the court shall consider the juvenile's eligibility for release under the law governing parole.

c. The following juveniles shall not be committed to a State correctional facility:

(1) Juveniles age 11 or under unless adjudicated delinquent for the crime of arson or a crime which, if committed by an adult, would be a crime of the first or second degree; and

(2) Juveniles who are developmentally disabled as defined in paragraph (1) of subsection a. of section 3 of P.L.1977, c.82 (C.30:6D-3).

d. (1) When the court determines that, based on the consideration of all the factors set forth in subsection a., the juvenile shall be incarcerated, unless it orders the incarceration pursuant to subsection c. of section 24 of this act, it shall state on the record the reasons for imposing incarceration, including any findings with regard to these factors, and commit the juvenile to a suitable institution maintained by the Department of Corrections for the rehabilitation of delinquents pursuant to the conditions set forth in this subsection and for terms not to exceed the maximum terms as provided herein for what would constitute the following crimes if committed by an adult:

(a) Murder under 2C:11-3a(1) or (2)	20 years
(b) Murder under 2C:11-3a(3)	10 years
(c) Crime of the first degree, except murder	4 years
(d) Crime of the second degree	3 years
(e) Crime of the third degree	2 years
(f) Crime of the fourth degree	1 year
(g) Disorderly persons offense	6 months

(2) Except as provided in subsection e. of section 24 of P.L.1982, c.77 (C.2A:4A-43), the period of confinement shall continue until the appropriate paroling authority determines that such a person should be paroled; except that in no case shall the period of confinement and parole exceed the maximum provided by law for such offense. However, if a juvenile is approved for parole prior to serving one-third of any term imposed for any crime of the first, second or third degree, including any extended term imposed pursuant to paragraph (3) or (4) of this subsection, or one-fourth of any term imposed for any other crime the granting of parole shall be subject to approval of the sentencing court. Prior to approving parole, the court shall give the prosecuting attorney notice and an opportunity to be heard. If the court denies the parole of a juvenile pursuant to this paragraph it shall state its reasons in writing and notify the parole board, the juvenile and the juvenile's attorney. The court shall have 30 days from the

date of notice of the pending parole to exercise the power granted under this paragraph. If the court does not respond within that time period, the parole will be deemed approved.

Any juvenile committed under this act who is released on parole prior to the expiration of his maximum term may be retained under parole supervision for a period not exceeding the unserved portion of the term. The Parole Board, the juvenile, his attorney, his parent or guardian or, with leave of the court any other interested party, may make a motion to the court, with notice to the prosecuting attorney, for the return of the child from a correctional institution prior to his parole and provide for an alternative disposition which would not exceed the duration of the original time to be served in the institution. Nothing contained in this paragraph shall be construed to limit the authority of the Parole Board as set forth in section 15 of P.L.1979, c.441 (C.30:4-123.59).

(3) Upon application by the prosecutor, the court may sentence a juvenile who has been convicted of a crime of the first, second, or third degree if committed by an adult, to an extended term of incarceration beyond the maximum set forth in paragraph (1) of this subsection, if it finds that the juvenile was adjudged delinquent on at least two separate occasions, for offenses which, if committed by an adult, would constitute a crime of the first or second degree, and was previously committed to an adult or juvenile State correctional facility. The extended term shall not exceed five additional years for an act which would constitute murder and shall not exceed two additional years for all other crimes of the first degree or second degree, if committed by an adult, and one additional year for a crime of the third degree, if committed by an adult.

(4) Upon application by the prosecutor, when a juvenile is before the court at one time for disposition of three or more unrelated offenses which, if committed by an adult, would constitute crimes of the first, second or third degree and which are not part of the same transaction, the court may sentence the juvenile to an extended term of incarceration not to exceed the maximum of the permissible term for the most serious offense for which the juvenile has been adjudicated plus two additional years.

3. This act shall take effect immediately.

Approved June 3, 1993.

CHAPTER 134

AN ACT concerning the penalties for the unlawful taking of a motor vehicle and amending N.J.S.2C:20-10.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. N.J.S.2C:20-10 is amended to read as follows:

Unlawful taking of means of conveyance.

2C:20-10. Unlawful Taking of Means of Conveyance

a. A person commits a disorderly persons offense if, with purpose to withhold temporarily from the owner, he takes, operates, or exercises control over any means of conveyance, other than a motor vehicle, without consent of the owner or other person authorized to give consent. "Means of conveyance" includes but is not limited to motor vehicles, bicycles, motorized bicycles, boats, horses, vessels, surfboards, rafts, skimobiles, airplanes, trains, trams and trailers. It is an affirmative defense to prosecution under subsections a., b. and c. of this section that the actor reasonably believed that the owner or any other person authorized to give consent would have consented to the operation had he known of it.

b. A person commits a crime of the fourth degree if, with purpose to withhold temporarily from the owner, he takes, operates or exercises control over a motor vehicle without the consent of the owner or other person authorized to give consent.

c. A person commits a crime of the third degree if, with purpose to withhold temporarily from the owner, he takes, operates or exercises control over a motor vehicle without the consent of the owner or other person authorized to give consent and operates the motor vehicle in a manner that creates a risk of injury to any person or a risk of damage to property.

d. A person commits a crime of the fourth degree if he enters and rides in a motor vehicle knowing that the motor vehicle has been taken or is being operated without the consent of the owner or other person authorized to consent.

2. This act shall take effect immediately.

Approved June 3, 1993.

CHAPTER 135

AN ACT concerning the imposition of sentences in certain criminal case and amending N.J.S.2C:44-1.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. N.J.S.2C:44-1 is amended to read as follows:

Criteria for withholding or imposing sentence of imprisonment.

2C:44-1. Criteria for Withholding or Imposing Sentence of Imprisonment. a. In determining the appropriate sentence to be imposed on a person who has been convicted of an offense, the court shall consider the following aggravating circumstances:

(1) The nature and circumstances of the offense, and the role of the actor therein, including whether or not it was committed in an especially heinous, cruel, or depraved manner;

(2) The gravity and seriousness of harm inflicted on the victim, including whether or not the defendant knew or reasonably should have known that the victim of the offense was particularly vulnerable or incapable of resistance due to advanced age, ill-health, or extreme youth, or was for any other reason substantially incapable of exercising normal physical or mental power of resistance;

(3) The risk that the defendant will commit another offense;

(4) A lesser sentence will depreciate the seriousness of the defendant's offense because it involved a breach of the public trust under chapters 27 and 30, or the defendant took advantage of a position of trust or confidence to commit the offense;

(5) There is a substantial likelihood that the defendant is involved in organized criminal activity;

(6) The extent of the defendant's prior criminal record and the seriousness of the offenses of which he has been convicted;

(7) The defendant committed the offense pursuant to an agreement that he either pay or be paid for the commission of the offense and the pecuniary incentive was beyond that inherent in the offense itself;

(8) The defendant committed the offense against a police or other law enforcement officer, correctional employee or fireman, acting in the performance of his duties while in uniform or exhibiting evidence of his authority, or the defendant committed the offense because of the status of the victim as a public servant;

(9) The need for deterring the defendant and others from violating the law;

(10) The offense involved fraudulent or deceptive practices committed against any department or division of State government;

(11) The imposition of a fine, penalty or order of restitution without also imposing a term of imprisonment would be perceived by the defendant or others merely as part of the cost of doing business, or as an acceptable contingent business or operating expense associated with the initial decision to resort to unlawful practices;

(12) The defendant committed the offense against a person who he knew or should have known was 60 years of age or older, or disabled;

(13) The defendant, while in the course of committing or attempting to commit the crime, including the immediate flight therefrom, used or was in possession of a stolen motor vehicle.

b. In determining the appropriate sentence to be imposed on a person who has been convicted of an offense, the court may properly consider the following mitigating circumstances:

(1) The defendant's conduct neither caused nor threatened serious harm;

(2) The defendant did not contemplate that his conduct would cause or threaten serious harm;

(3) The defendant acted under a strong provocation;

(4) There were substantial grounds tending to excuse or justify the defendant's conduct, though failing to establish a defense;

(5) The victim of the defendant's conduct induced or facilitated its commission;

(6) The defendant has compensated or will compensate the victim of his conduct for the damage or injury that he sustained, or will participate in a program of community service;

(7) The defendant has no history of prior delinquency or criminal activity or has led a law-abiding life for a substantial period of time before the commission of the present offense;

(8) The defendant's conduct was the result of circumstances unlikely to recur;

(9) The character and attitude of the defendant indicate that he is unlikely to commit another offense;

(10) The defendant is particularly likely to respond affirmatively to probationary treatment;

(11) The imprisonment of the defendant would entail excessive hardship to himself or his dependents;

(12) The willingness of the defendant to cooperate with law enforcement authorities;

(13) The conduct of a youthful defendant was substantially influenced by another person more mature than the defendant.

c. (1) A plea of guilty by a defendant or failure to so plead shall not be considered in withholding or imposing a sentence of imprisonment.

(2) When imposing a sentence of imprisonment the court shall consider the defendant's eligibility for release under the law governing parole, including time credits awarded pursuant to Title 30 of the Revised Statutes, in determining the appropriate term of imprisonment.

d. Presumption of imprisonment. The court shall deal with a person who has been convicted of a crime of the first or second degree by imposing a sentence of imprisonment unless, having regard to the character and condition of the defendant, it is of the opinion that his imprisonment would be a serious injustice which overrides the need to deter such conduct by others. Notwithstanding the provisions of subsection e. of this section, the court shall deal with a person who has been convicted of theft of a motor vehicle or of the unlawful taking of a motor vehicle and who has previously been convicted of either offense by imposing a sentence of imprisonment unless, having regard to the character and condition of the defendant, it is of the opinion that his imprisonment would be a serious injustice which overrides the need to deter such conduct by others.

e. The court shall deal with a person convicted of an offense other than a crime of the first or second degree, who has not previously been convicted of an offense, without imposing sentence of imprisonment unless, having regard to the nature and circumstances of the offense and the history, character and condition of the defendant, it is of the opinion that his imprisonment is necessary for the protection of the public under the criteria set forth in subsection a., except that this subsection shall not apply if the person is convicted of any of the following crimes of the third degree: theft of a motor vehicle; unlawful taking of a motor vehicle; or eluding.

f. Presumptive Sentences. (1) Except for the crime of murder, unless the preponderance of aggravating or mitigating factors, as set forth in subsections a. and b., weighs in favor of a higher or lower term within the limits provided in N.J.S.2C:43-6, when a court determines that a sentence of imprisonment is warranted, it shall impose sentence as follows:

(a) To a term of 20 years for aggravated manslaughter or kidnapping pursuant to paragraph (1) of subsection c. of N.J.S.2C:13-1 when the offense constitutes a crime of the first degree;

(b) Except as provided in paragraph (a) of this subsection to a term of 15 years for a crime of the first degree;

(c) To a term of seven years for a crime of the second degree;

(d) To a term of four years for a crime of the third degree; and

(e) To a term of nine months for a crime of the fourth degree.

In imposing a minimum term pursuant to 2C:43-6b., the sentencing court shall specifically place on the record the aggravating factors set forth in this section which justify the imposition of a minimum term.

Unless the preponderance of mitigating factors set forth in subsection b. weighs in favor of a lower term within the limits authorized, sentences imposed pursuant to 2C:43-7a.(1) shall have a presumptive term of life imprisonment. Unless the preponderance of aggravating and mitigating factors set forth in subsections a. and b. weighs in favor of a higher or lower term within the limits authorized, sentences imposed pursuant to 2C:43-7a.(2) shall have a presumptive term of 50 years' imprisonment; sentences imposed pursuant to 2C:43-7a.(3) shall have a presumptive term of 15 years' imprisonment; and sentences imposed pursuant to 2C:43-7a.(4) shall have a presumptive term of seven years' imprisonment.

In imposing a minimum term pursuant to 2C:43-7b., the sentencing court shall specifically place on the record the aggravating factors set forth in this section which justify the imposition of a minimum term.

(2) In cases of convictions for crimes of the first or second degree where the court is clearly convinced that the mitigating factors substantially outweigh the aggravating factors and where the interest of justice demands, the court may sentence the defendant to a term appropriate to a crime of one degree lower than that of the crime for which he was convicted. If the court does impose sentence pursuant to this paragraph, or if the court imposes a noncustodial or probationary sentence upon conviction for a crime of the first or second degree, such sentence shall not become final for 10 days in order to permit the appeal of such sentence by the prosecution.

g. Imposition of Noncustodial Sentences in Certain Cases. If the court, in considering the aggravating factors set forth in subsection a., finds the aggravating factor in paragraph a.(2) or a.(12) and does not impose a custodial sentence, the court shall specifically place on the record the mitigating factors which justify the imposition of a noncustodial sentence.

h. Except as provided in section 2 of P.L.1993, c.123 (C.2C:43-11), the presumption of imprisonment as provided in subsection d. of this section shall not preclude the admission of a person to the Intensive Supervision Program, established pursuant to the Rules Governing the Courts of the State of New Jersey.

2. This act shall take effect immediately.

Approved June 3, 1993.

CHAPTER 136

AN ACT establishing a higher education equipment leasing fund in the New Jersey Educational Facilities Authority, amending N.J.S.18A:72A-3 and N.J.S.18A:72A-5, and supplementing chapter 72A of Title 18A of the New Jersey Statutes.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

C.18A:72A-40 Short title.

1. This act shall be known and may be cited as the "Higher Education Equipment Leasing Fund Act."

C.18A:72A-41 Findings, declarations.

2. The Legislature finds and declares that:

a. Higher education plays a vital role in the economic development of the nation and the State by providing the education and training of the work force of the future and by advancing science and technology through research;

b. The rapid technological changes occurring throughout the world have a considerable impact on the quality of teaching, learning, and research at colleges and universities;

c. The current inventory of instructional and research equipment at the colleges and universities within the State is aging, both chronologically and technologically, and much of it has been rendered obsolete; and

d. The State Board of Higher Education, which is statutorily responsible for the coordination and planning of higher education in New Jersey, has identified a crucial need to establish a regular financing mechanism for scientific, engineering, technical, computer, communications, and instructional equipment at New Jersey's public and private institutions of higher education.

3. N.J.S.18A:72A-3 is amended to read as follows:

Definitions.

18A:72A-3. As used in this act, the following words and terms shall have the following meanings, unless the context indicates or requires another or different meaning or intent:

"Authority" means the New Jersey Educational Facilities Authority created by this chapter or any board, body, commission, department or officer succeeding to the principal functions thereof or to whom the powers conferred upon the authority by this chapter shall be given by law;

"Bond" means bonds or notes of the authority issued pursuant to this chapter;

"Dormitory" means a housing unit with necessary and usual attendant and related facilities and equipment;

"Educational facility" means a structure suitable for use as a dormitory, dining hall, student union, administration building, academic building, library, laboratory, research facility, classroom, athletic facility, health care facility, teaching hospital, and parking maintenance storage or utility facility and other structures or facilities related thereto or required or useful for the instruction of students or the conducting of research or the operation of an institution for higher education, and the necessary and usual attendant and related facilities and equipment, but shall not include any facility used or to be used for sectarian instruction or as a place for religious worship;

"Emerging needs program" means a program at one or more public or private institutions of higher education directed to meeting new and advanced technology needs or to supporting new academic programs in science and technology;

"Higher education equipment" means any property consisting of, or relating to, scientific, engineering, technical, computer, communications or instructional equipment;

"Participating college" means a public institution of higher education or private college which, pursuant to the provisions of this chapter, participates with the authority in undertaking the financing and construction or acquisition of a project;

"Project" means a dormitory or an educational facility or any combination thereof;

"Private college" means an institution for higher education other than a public college, situated within the State and which, by virtue of law or charter, is a nonprofit educational institution empowered to provide a program of education beyond the high school level;

"Private institution of higher education" means independent colleges or universities incorporated and located in New Jersey, which by virtue of law or character or license, are nonprofit educational institutions authorized to grant academic degrees and which provide a level of education which is equivalent to the education provided by the State's public institutions of higher education as attested by the receipt of and continuation of regional accreditation by the Middle States Association of Colleges and Schools, and which are eligible to receive State aid;

"Public institution of higher education" means Rutgers, The State University, the State colleges, the New Jersey Institute of Technology, the University of Medicine and Dentistry of New Jersey, the county colleges and any other public university or college now or hereafter established or authorized by law;

"University" means Rutgers, The State University.

4. N.J.S.18A:72A-5 is amended to read as follows:

Authority's powers.

18A:72A-5. The authority shall have power:

(a) To adopt bylaws for the regulation of its affairs and the conduct of its business;

(b) To adopt and have an official common seal and alter the same at pleasure;

(c) To maintain an office at such place or places within the State as it may designate;

(d) To sue and be sued in its own name, and plead and be impleaded;

(e) To borrow money and to issue bonds and notes and other obligations of the authority and to provide for the rights of the holders thereof as provided in this chapter;

(f) To acquire, lease as lessee, hold and dispose of real and personal property or any interest therein, in the exercise of its powers and the performance of its duties under this chapter;

(g) To acquire in the name of the authority by purchase or otherwise, on such terms and conditions and in such manner as it may deem proper, or by the exercise of the power of eminent domain, any land or interest therein and other property which it may determine is reasonably necessary for any project, including any lands held by any county, municipality or other governmental subdivision of the State; and to hold and use the same and to sell, convey, lease or otherwise dispose of property so acquired, no longer necessary for the authority's purposes;

(h) To receive and accept, from any federal or other public agency or governmental entity, grants or loans for or in aid of the acquisition or construction of any project, and to receive and accept aid or contributions from any other source, of either money, property, labor or other things of value, to be held, used and applied only for the purposes for which such grants, loans and contributions may be made;

(i) To prepare or cause to be prepared plans, specifications, designs and estimates of costs for the construction and equipment of projects for participating colleges under the provisions of this chapter, and from time to time to modify such plans, specifications, designs or estimates;

(j) By contract or contracts or by its own employees to construct, acquire, reconstruct, rehabilitate and improve, and furnish and equip, projects for participating colleges; however, in any contract or contracts undertaken by the authority for the construction, reconstruction, rehabilitation or improvement of any public college project where the cost of such work will exceed $25,000, the contracting agent shall advertise for and receive in the manner provided by law:

(1) separate bids for the following categories of work;

(a) the plumbing and gas fitting work;

(b) the heating and ventilating systems and equipment;

(c) the electrical work, including any electrical power plants;

(d) the structural steel and ornamental iron work;

(e) all other work and materials required for the completion of the project, or

(2) bids for all work and materials required to complete the entire project if awarded as a single contract; or

(3) both (1) and (2) above.

All bids submitted shall set forth the names and license numbers of, and evidence of performance security from, all subcontractors to whom the bidder will subcontract the work described in the foregoing categories (1)(a) through (1)(e).

Contracts shall be awarded to the lowest responsible bidder whose bid, conforming to the invitation for bids, will be the most advantageous to the authority;

(k) To determine the location and character of any project to be undertaken pursuant to the provisions of this chapter, and to construct, reconstruct, maintain, repair, operate, lease, as lessee or lessor, and regulate the same; to enter into contracts for any or all such purposes; to enter into contracts for the management and operation of a project, and to designate a participating college as its agent to determine the location and character of a project undertaken by such participating college under the provisions of this chapter and, as the agent of the authority, to construct, reconstruct, maintain, repair, operate, lease, as lessee or lessor, and regulate the same, and, as agent of the authority, to enter into contracts for any and all such purposes including contracts for the management and operation of such project;

(l) To establish rules and regulations for the use of a project or any portion thereof and to designate a participating college as its agent to establish rules and regulations for the use of a project undertaken by such participating college;

(m) Generally to fix and revise from time to time and to charge and collect rates, rents, fees and other charges for the use of and for the services furnished or to be furnished by a project or any portion thereof and to contract with holders of its bonds and with any other person, party, association, corporation or other body, public or private, in respect thereof;

(n) To enter into any and all agreements or contracts, execute any and all instruments, and do and perform any and all acts or things necessary, convenient or desirable for the purposes of the authority or to carry out any power expressly given in this chapter;

(o) To invest any moneys held in reserve or sinking funds, or any moneys not required for immediate use or disbursement, at the discretion of the authority, in such obligations as are authorized by law for the investment of trust funds in the custody of the State Treasurer;

(p) To enter into any lease relating to higher education equipment with a public or private institution of higher education pursuant to the provisions of P.L.1993, c.136 (C.18A:72A-40 et al.).

C.18A:72A-42 Higher education equipment leasing fund; issuance of bonds.

5. a. There is created within the New Jersey Educational Facilities Authority, established pursuant to chapter 72A of Title 18A

of the New Jersey Statutes, hereinafter referred to as the "authority," a higher education equipment leasing fund to finance the purchase of higher education equipment at public and private institutions of higher education. The authority shall issue bonds to finance the purchase of higher education equipment for lease to public and private institutions of higher education provided that the total outstanding principal amount of the bonds shall not exceed $100,000,000 and the term of any bond issued shall not exceed 10 years. In computing the foregoing limitation as to amount, there shall be excluded all bonds which shall be issued for refunding purposes, provided that the refunding shall be determined by the authority to result in a debt service savings. The State Treasurer is hereby authorized to enter into a contract with the authority pursuant to which the State Treasurer, subject to available appropriation, shall pay the amount necessary to pay the principal and interest on bonds and notes of the authority issued pursuant to this section. In entering into a lease agreement with a public or private institution of higher education, the authority shall include such lease provisions as may be necessary to insure that the institution shall pay an amount equal to 25% of the amount necessary to pay the principal and interest on the bonds and notes of the authority issued pursuant to this section to finance the purchase of higher education equipment at that institution. Upon receipt of such moneys from the public or private institution of higher education, the authority shall remit the moneys immediately to the State Treasurer.

b. The authority shall from time to time issue bonds or notes in an amount sufficient to finance the purchase of higher education equipment pursuant to lease agreements with public and private institutions of higher education and which shall also finance the administrative costs associated with the issuance of bonds or notes. The authority shall issue the bonds or notes in such manner as it shall determine in accordance with the provisions of P.L.1993, c.136 (C.18A:72A-40 et al.) and the "New Jersey educational facilities authority law," N.J.S.18A:72A-1 et seq. The authority shall not issue any bonds or notes pursuant to this section without the prior written consent of the State Treasurer.

c. Bonds or notes issued pursuant to this act shall not be in any way a debt or liability of the State or of any political subdivision thereof other than the authority and shall not create or constitute any indebtedness, liability or obligation of the State or of any political subdivision thereof, or be or constitute a pledge of the faith and credit of the State or of any political subdivision thereof, but all bonds or notes, unless funded or refunded by the bonds or notes of the authority, shall be payable solely from revenues of funds pledged or available for their payment as authorized by this act. Each bond shall contain on its face a statement to the effect that the authority is obligated to pay the principal thereof, redemption premium, if any, or the interest thereon only from revenue or funds of the authority and that neither the State nor any political subdivision thereof is obligated to pay the principal thereof, redemption premium, if any, or interest thereon and that neither the faith and credit nor the taxing power of the State or of any political subdivision thereof is pledged to the payment of the principal of, redemption premium, if any, or the interest on the bonds.

d. The State of New Jersey does hereby pledge to and covenant and agree with the holders of any bonds or notes issued pursuant to authorization of P.L.1993, c.136 (C.18A:72A-40 et al.) that the State shall not limit or alter the rights or powers hereby vested in the authority to perform and fulfill the terms of any agreement made with the holders of the bonds or notes, or to fix, establish, charge and collect such rents, fees, rates, payments, or other charges as may be convenient or necessary to produce sufficient revenues to meet all expenses of the authority and to fulfill the terms of any agreement made with the holders of the bonds and notes, together with interest thereon, with interest on any unpaid installments of interest, and all costs and expenses in connection with any action or proceedings by or on behalf of the holders, until the bonds and notes, together with interest thereon, are fully met and discharged or provided for.

C.18A:72A-43 Allocation of moneys.

6. The moneys deposited into the fund created pursuant to section 5 of P.L.1993, c.136 (C.18A:72A-42) shall be allocated in the following manner:

a. A minimum of $24,000,000 for the leasing of higher education equipment at the State colleges;

b. A minimum of $19,440,000 for the leasing of higher education equipment at Rutgers, The State University;

c. A minimum of $10,080,000 for the leasing of higher education equipment at the University of Medicine and Dentistry of New Jersey;

d. A minimum of $6,480,000 for the leasing of higher education equipment at the New Jersey Institute of Technology;

e. A minimum of $22,000,000 for the leasing of higher education equipment at the county colleges;

f. A minimum of $10,500,000 for the leasing of higher education equipment at private institutions of higher education; and

g. A minimum of $7,500,000 for the leasing of higher education equipment for emerging needs programs at public and private institutions of higher education.

The State Board of Higher Education may apportion the amounts authorized in subsection g. among any other amounts authorized in subsections a. through f.

The State Board of Higher Education may reallocate any balance in the amounts authorized in subsections a. through g. of this section which have not been fully committed within 18 months of the effective date of this act.

The State Board of Higher Education shall determine the allocation of moneys deposited into the fund resulting from the issuance by the authority of new bonds because of the retirement of bonds previously issued by the authority.

C.18A:72A-44 Lease agreements to finance acquisition of higher education equipment.

7. The authority may enter into a lease agreement with a public or private institution of higher education to finance the acquisition of higher education equipment by the institution and which provides for the lease of the equipment by the authority to the institution. The higher education equipment shall have a useful life equal to or greater than the term of the bonds issued to finance the purchase of the equipment. During the period of the lease, the authority shall hold title to the equipment. At such time as the liabilities of the authority incurred for the purchase of the higher education equipment have been met and the bonds of the authority issued therefor have been paid, or such liabilities and bonds have otherwise been discharged, the authority shall transfer title to the higher education equipment to the institution to which the equipment is leased. However, if at any time prior thereto the institution ceases to operate, then title shall vest in the authority.

C.18A:72A-45 Approval for lease agreements.

8. The authority shall not enter into a lease agreement with an institution of higher education unless the State Board of Higher Education has adopted a resolution which approves the purchase of the higher education equipment by the institution. The State

board shall forward a copy of the resolution along with the amount of the approved purchase to the authority.

C.18A:72A-46 Amount retained by State to satisfy deficiency.

9. a. To assure the continued operation and solvency of the leasing fund program, the authority shall require that if an institution of higher education fails or is unable to pay to the authority in full, when due, any obligation of the institution to the authority, an amount sufficient to satisfy the deficiency shall be retained by the State Treasurer from State aid or an appropriation payable to the institution. As used in this section, obligation of the institution means any amount payable by the institution for equipment leasing pursuant to a lease agreement with the authority.

b. The amount retained by the State Treasurer shall be deducted from the corresponding appropriation or apportionment of State aid payable to the institution of higher education and shall not obligate the State to make, nor entitle the institution to receive, any additional appropriation or apportionment.

C.18A:72A-47 Annual report.

10. The State Board of Higher Education shall annually submit a report to the Governor and the Legislature on the higher education equipment purchases at public and private institutions of higher education which have been approved by the State board and financed by the New Jersey Educational Facilities Authority pursuant to lease agreements with the institutions.

C.18A:72A-48 Rules, regulations.

11. The State Board of Higher Education, in consultation with the New Jersey Educational Facilities Authority, shall adopt, pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), the rules and regulations necessary to carry out the provisions of this act.

12. This act shall take effect immediately.

Approved June 5, 1993.

CHAPTER 137

AN ACT to provide a civil cause of action for the benefit of victims of bias crime and supplementing Title 2A of the New Jersey Statutes.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

C.2A:53A-21 Civil cause of action for bias crime victims.

1. a. A person, acting with purpose to intimidate an individual or group of individuals because of race, color, religion, gender, handicap, sexual orientation or ethnicity, who engages in conduct that is an offense under the provisions of the "New Jersey Code of Criminal Justice," Title 2C of the New Jersey Statutes, commits a civil offense.

b. Any person who sustains injury to person or property as a result of a violation of subsection a. shall have a cause of action against the person or persons who committed the civil offense resulting in the injury. In the case of a homicide committed in violation of subsection a., the estate of the deceased shall have a cause of action. Nothing in this subsection shall be construed to preclude the parent or legal guardian of a person who has sustained injury as a result of a violation of subsection a. from initiating a civil action on behalf of a minor child or ward.

c. The Attorney General, as parens patriae, may initiate a cause of action against any person who violates subsection a. of this section on behalf of any person or persons who have sustained injury to person or property as a result of the commission of the civil offense.

d. Upon proof, by a preponderance of the evidence, of a defendant's violation of subsection a. of this section and of resulting damages, the defendant shall be liable as follows:

(1) To the person or persons injured, for an award in the amount of damages incurred as a result of the commission of the civil offense, including damages for any emotional distress suffered as a result of the civil offense, such punitive damages as may be assessed, and any reasonable attorney's fees and costs of suit incurred;

(2) To the State, in any case in which the Attorney General has participated, reasonable attorney's fees and costs of investigation and suit;

(3) Such injunctive relief as the court may deem necessary to avoid the defendant's continued violation of subsection a.; and

(4) Any additional appropriate equitable relief, including restraints to avoid repeated violation.

e. An award entered pursuant to paragraph (1) of subsection d. of this section shall be reduced by the amount of any restitution that has been awarded for the same injury following criminal conviction or juvenile adjudication, and, notwithstanding the provisions of paragraph (1) of subsection d., damages awarded for injuries that have previously been compensated by the Violent Crimes Compensation Board shall be paid to the board for deposit in the Violent Crimes Compensation Board Account.

f. All fees and costs assessed for the benefit of the State pursuant to paragraph (2) of subsection d. of this section shall be paid to the State Treasurer for deposit in the Civil Rights Enforcement Fund established pursuant to section 2 of this act.

g. The parent or guardian of a juvenile against whom an award has been entered pursuant to paragraph (1) of subsection d. of this section shall be liable for payment only if the parent has been named as a defendant and it has been established, by a preponderance of the evidence, that the parent or guardian's conduct was a significant contributing factor in the juvenile's commission of the offense.

C.2A:53A-22 Civil Rights Enforcement Fund established.

2. There shall be established in the State Treasury a separate, nonlapsing fund designated the Civil Rights Enforcement Fund. Amounts credited to the fund shall be used by the Attorney General for the payment of expenses and costs incurred by the Attorney General in enforcement of the laws of this State protecting civil rights, in the development and delivery of training for public employees, including law enforcement officers, responsible for enforcement of these laws and in the development and delivery of related public education programs.

C.2A:53A-23 Availability of authorized civil actions.

3. The provisions of this act are intended to provide remedies independent of and in addition to those that may apply under the provisions of the "New Jersey Code of Criminal Justice." The civil actions authorized by this act are available whether or not the conduct has been prosecuted as an offense under the provisions of Title 2C of the New Jersey Statutes and whether or not any such prosecution has resulted in a conviction.

C.2A:53A-24 Terms defined.

4. The terms "conduct" and "offense" shall have the meaning provided in N.J.S.2C:1-14. The term "juvenile" shall have the meaning provided in section 24 of P.L.1982, c.77 (C.2A:4A-43).

5. This act shall take effect immediately.

Approved June 11, 1993.

CHAPTER 138

AN ACT concerning retirement benefits for certain employees of certain public employers other than the State.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. An employee of a participating employer under the Public Employees' Retirement System (PERS), the Teachers' Pension and Annuity Fund (TPAF) or the Alternate Benefit Program (ABP) which elects to provide the benefits authorized under this act who:

a. is at least 50 years of age and has at least 25 years of service credit under PERS or TPAF, or service with public employers in this State participating in ABP for which contributions were made by the employee under the program before the effective date of retirement;

b. files an application to retire on or after August 1, 1993 in the case of an employee of a county or county college, or November 1, 1993 in the case of an employee of a municipality, and on or before December 1, 1993 in the case of an employee of a county or county college, or March 1, 1994 in the case of an employee of a municipality; and

c. retires under the retirement system on or after September 1, 1993 in the case of an employee of a county or county college, or December 1, 1993 in the case of an employee of a municipality, but not later than January 1, 1994 in the case of an employee of a county or county college, or April 1, 1994 in the case of an employee of a municipality, other than a veteran who retires on a special veteran's retirement, shall receive an additional five years of service credit under PERS or TPAF, or an amount equal to 100% of the employee's base annual salary at the time of retirement from the employer for members of ABP. An employee who meets the age and service requirements under this section and retires on a special veteran's retirement shall receive an additional pension under the retirement system in the amount of 5/60 of final year compensation. The additional retirement benefit under this section is applicable only to the full-time employment with the employer which elects to provide the benefits authorized under this act and from which the employee retires to receive the benefit and the compensation for that employment.

2. For an employee of a county college, or an employer providing paid health benefits to retirees pursuant to section 7 of P.L.1964, c.125 (C.52:14-17.38), N.J.S.40A:10-23, or N.J.S.18A:16-19, participating under PERS, TPAF, or ABP, which elects to provide the benefits authorized under this act who:

a. is at least 60 years of age and has at least 20, but less than 25, years of service credit under PERS or TPAF, or service with public employers in this State participating in ABP for which contributions were made by the employee under the program before the effective date of retirement;

b. files an application to retire on or after August 1, 1993 in the case of an employee of a county or county college, or November 1, 1993 in the case of an employee of a municipality, and on or before December 1, 1993 in the case of an employee of a county or county college, or March 1, 1994 in the case of an employee of a municipality; and

c. retires under the retirement system on or after September 1, 1993 in the case of an employee of a county or county college, or December 1, 1993 in the case of an employee of a municipality, but not later than January 1, 1994 in the case of an employee of a county or county college, or April 1, 1994 in the case of an employee of a municipality, the employer shall pay the entire cost for coverage for the retired employee and the employee's dependents, but not including survivors, unless the employer is paying the entire cost for coverage for survivors on the effective date of this act. For employers participating in the New Jersey State Health Benefits Program (NJSHBP), the payment shall be made in the same manner provided for payment by an employer other than the State of premiums or periodic charges for retired employees under section 7 of P.L.1964, c.125 (C.52:14-17.38). For employers not participating in the NJSHBP, the payment shall be made in the same manner provided for payment of premiums after retirement under N.J.S.40A:10-23 or N.J.S.18A:16-19, or the employer's group health insurance contract or health benefits plan, and the level of benefits to retirees under this section shall be the same as the level of benefits provided to other retirees by that employer.

3. A participating employer under PERS, TPAF, or ABP which does not provide paid health benefits to retirees and which elects to provide the benefits authorized under this act shall pay to an employee who meets the qualifications of subsections a. and

b. of section 2 of this act an additional pension of $500 per month in each of the 24 months following the date of retirement.

4. For an employee of a participating employer under PERS, TPAF or ABP which elects to provide the benefits under this act who:

a. is at least 60 years of age and has at least 10, but less than 20, years of service credit under PERS or TPAF, or service with public employers in this State participating in ABP for which contributions were made by the employee under the program before the effective date of retirement;

b. files an application to retire on or after August 1, 1993 in the case of an employee of a county or county college, or November 1, 1993 in the case of an employee of a municipality and on or before December 1, 1993 in the case of an employee of a county or county college, or March 1, 1994 in the case of an employee of a municipality; and

c. retires under the retirement system on or after September 1, 1993 in the case of an employee of a county or county college, or December 1, 1993 in the case of an employee of a municipality, but not later than January 1, 1994 in the case of an employee of a county or county college, or April 1, 1994 in the case of an employee of a municipality, the employer shall pay an additional pension of $500 per month in each of the 24 months following the date of retirement.

5. An employer may elect to provide the benefits under this act by adoption of a resolution by its governing body and filing a certified copy of the resolution with the Director of the Division of Pensions and Benefits on or before July 1, 1993 in the case of a county or county college employer, or September 1, 1993 in the case of a municipal employer. With respect to county colleges, the governing body is the board of trustees. The employer shall submit to the director any information necessary to provide the benefits or to determine the liability for them.

6. The actuaries for PERS and TPAF shall determine the liability of the retirement systems for the additional service credit or pensions provided under this act and for the early retirement of employees in accordance with the tables of actuarial assumptions adopted by the board of trustees of the retirement system. For PERS, this liability shall be added to the unfunded accrued liability of the employer under the retirement system and shall be paid in the same manner and over the remaining time period provided

for the employer's unfunded accrued liability under sections 24, 68 and 81 of P.L.1954, c.84 (C.43:15A-24, 68 and 81).

For TPAF, the liability and contribution requirements for each employer shall be determined by the actuary of the system in the same manner and over the remaining time period provided for the unfunded accrued liability of the system under N.J.S.18A:66-18. The retirement system shall annually certify to each employer the contributions due to the contingent reserve fund for the liability under this act. The contributions certified by the retirement system shall be paid by the employer to the retirement system on or before the date prescribed by law for payment of employer contributions for basic retirement benefits. If payment of the full amount of the contribution certified is not made within 30 days after the last date for payment of employer contributions for basic retirement benefits, interest at the rate of 10% per year shall begin to run against the unpaid balance on the first day after the thirtieth day.

The employer shall pay the cost of the actuarial work to determine the additional liability of the retirement system for the benefits under this act which shall be included in the initial contribution required from the employer.

7. The cost of the cash payments for ABP members under this act shall be funded by the employer from appropriations to the employer for annual operating expenses or from funds otherwise available to the employer for operating expenses.

8. An employee who receives a benefit under this act shall forfeit all tenure rights.

9. Where the needs of the employer require the service of an employee who elects to retire and receive a benefit under this act, the employer, with the approval of the governing body of the employer and with the consent of the employee, may delay the effective retirement date of the employee until the first day of any calendar month after January 1, 1994 in the case of an employee of a county or county college, or April 1, 1994 in the case of an employee of a municipality, but not later than January 1, 1995 in the case of an employee of a county or county college, or April 1, 1995 in the case of an employee of a municipality. With respect to county colleges, the governing body is the board of trustees. A delay in the effective retirement date of an employee shall not

extend the dates set forth in sections 1 through 4 to qualify for benefits under this act.

For a member of PERS or TPAF whose effective retirement date is delayed under this section and who dies before the retirement becomes effective, the retirement shall be effective as of the first day of the month after the date of death of the member if the member's beneficiary requests in writing to the board of trustees of the retirement system that the retirement be effective under the Option settlement selected by the member, or under Option 3 if the member did not select an Option.

10. An employee retiring with a benefit under this act who has not repaid the full amount of a loan from PERS or TPAF by the effective date of retirement may repay the loan through deductions from the member's retirement benefit payments in the same monthly amount which was deducted from the member's compensation immediately preceding retirement until the balance of the amount borrowed together with interest at the statutory rate is repaid. If the retiree dies before the outstanding balance of the loan and interest is repaid, the remaining amount shall be repaid as provided in section 2 of P.L.1981, c.55 (C.43:15A-34.1) or N.J.S.18A:66-35.

11. An employee purchasing service credit on or after the effective date of this act to qualify for a benefit under this act may purchase a portion of the credit which the employee is eligible to purchase.

12. For the purposes of this act:

a. "Employee" means a full-time employee of a county, a county college, or a municipality who is eligible to participate in the employer's health benefits plan. It does not include an employee of a public agency or organization as defined in section 71 of P.L.1954, c.84 (C.43:15A-71).

b. "Final year compensation" means the compensation received in the last 12 months immediately preceding retirement in which compensation is received and upon which contributions are made by the employee to the retirement system.

13. The provisions of this act shall be applicable to employers and employees participating in a county pension fund created under Article 1 or Article 6 of Chapter 10 of Title 43 of the Revised Statutes, P.L.1943, c.160 (C.43:10-18.1 et seq.), P.L.1948, c.310 (C.43:10-18.50 et seq.), or Article 2 of Chapter 66 of Title 18A of

the New Jersey Statutes, or in a municipal retirement system created under P.L.1954, c.218 (C.43:13-22.3 et seq.) or P.L.1964, c.275 (C.43:13-22.50), and shall become operative upon the adoption of the provisions of this act by the employer.

The provisions of this act shall not apply to any employee of a county or county college who would be required to retire on or before January 1, 1994, or to any employee of a municipality who would be required to retire on or before April 1, 1994, under any statute, under any rule or regulation adopted by an employer of such employees, or under the provisions of any applicable contract of employment.

The provisions of this act shall apply to counties of the first class with a population of more than 500,000 persons and a population density of more than 11,000 persons per square mile granting a pension pursuant to the "General Noncontributory Pension Act", P.L.1955, c.263 (C.43:8B-1 et seq.).

14. Prior to July 1, 1993 in the case of a county or county college employer, or September 1, 1993 in the case of a municipal employer, each employer covered by the provisions of this act shall meet and consult with the representatives of the bargaining unit or units representing the employees who would be eligible for benefits under this act.

15. This act shall take effect immediately.

Approved June 14, 1993.

CHAPTER 139

AN ACT concerning the remediation of contaminated property, amending and supplementing P.L.1983, c.330, amending P.L.1976, c.141, supplementing Title 58 of the Revised Statutes, amending P.L.1993, c.112, and making an appropriation from the "Hazardous Discharge Bond Act of 1986."

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. Section 1 of P.L.1983, c.330 (C.13:1K-6) is amended to read as follows:

C.13:1K-6 Short title.

1. This act shall be known and may be cited as the "Industrial Site Recovery Act."

2. Section 2 of P.L.1983, c.330 (C.13:1K-7) is amended to read as follows:

C.13:1K-7 Findings, declarations.

2. The Legislature finds that discharges of toxic chemicals dating back to early industrialization have left a legacy of contaminated industrial property in this State; that in 1983, due to the growing public awareness and concern of the risks to the public health and the environment and the potential costs to the State to clean up abandoned contaminated sites, the "Environmental Cleanup and Responsibility Act" was enacted. The Legislature also finds that the act's imposition of a cleanup plan approval before the transfer or upon the closing of an industrial establishment and the requirement to establish a funding source for the cleanup are in the general public interest by ensuring the discovery of contamination, by assuring that funding for cleanup is set aside at the time it is available from a transfer or closing, and by assuring that contaminated property is not abandoned to the State for cleanup. The Legislature further finds that at the time of the act's passage, the extent of the State's industrial contamination and the cost and complexity of remediations were not well understood; that in the intervening years, there has been a significant advance in the body of knowledge concerning how to remediate contaminated sites effectively and how to manage the remediation efficiently; that the regulated and financial communities are now more familiar with the liabilities involving contaminated property and with the necessity to discover and remediate that contamination; and that it is in the interest of the environment and the State's economic health to promote certainty in the regulatory process by incorporating that knowledge to create a more efficient regulatory structure and to allow greater privatization of that process where it is possible to do so without incurring unnecessary risks to the public health or the environment.

The Legislature therefore declares that it is the policy of this State to protect the public health, safety, and the environment, to promote efficient and timely cleanups, and to eliminate any unnecessary financial burden of remediating contaminated sites; that these policies can be achieved by streamlining the regulatory process, by establishing summary administrative procedures for industrial establishments that have previously undergone an environmental review, and by reducing oversight of those industrial establishments where less extensive regulatory review will ensure the same degree of protection to public health, safety, and the environment; and that the new procedures established pursuant to this act shall be designed to guard against redundancy from the regulatory process and to minimize governmental involvement in certain business transactions.

3. Section 3 of P.L.1983, c.330 (C.13:1K-8) is amended to read as follows:

C.13:1K-8 Definitions.

3. As used in this act:

"Remedial action workplan" means a plan for the remedial action to be undertaken at an industrial establishment, or at any area to which a discharge originating at the industrial establishment is migrating or has migrated; a description of the remedial action to be used to remediate the industrial establishment; a time schedule and cost estimate of the implementation of the remedial action; and any other relevant information the department deems necessary;

"Closing operations" means:

(1) the cessation of operations resulting in at least a 90 percent reduction in the total value of the product output from the entire industrial establishment, as measured on a constant, annual date-specific basis, within any five year period, or, for industrial establishments for which the product output is undefined, a 90 percent reduction in the number of employees or a 90 percent reduction in the area of operations of an industrial establishment within any five year period; provided, however, the department may approve a waiver of the provisions of this paragraph for any owner or operator who, upon application and review, evidences a good faith effort to maintain and expand product output, the number of employees, or area of operations of the affected industrial establishment;

(2) any temporary cessation of operations of an industrial establishment for a period of not less than two years;

(3) any judicial proceeding or final agency action through which an industrial establishment becomes nonoperational for health or safety reasons;

(4) the initiation of bankruptcy proceedings pursuant to Chapter 7 of the federal Bankruptcy Code, 11 U.S.C. §701 et seq. or the filing of a plan of reorganization that provides for a liquidation pursuant to Chapter 11 of the federal Bankruptcy Code, 11 U.S.C. §1101 et seq.;

(5) any change in operations of an industrial establishment that changes the industrial establishment's Standard Industrial Classification number to one that is not subject to this act; or

(6) the termination of a lease unless there is no disruption in operations of the industrial establishment, or the assignment of a lease;

"Transferring ownership or operations" means:

(1) any transaction or proceeding through which an industrial establishment undergoes a change in ownership;

(2) the sale or transfer of more than 50% of the assets of an industrial establishment within any five year period, as measured on a constant, annual date-specific basis;

(3) the execution of a lease for a period of 99 years or longer for an industrial establishment; or

(4) the dissolution of an entity that is an owner or operator or an indirect owner of an industrial establishment, except for any dissolution of an indirect owner of an industrial establishment whose assets would have been unavailable for the remediation of the industrial establishment if the dissolution had not occurred;

"Change in ownership" means:

(1) the sale or transfer of the business of an industrial establishment or any of its real property;

(2) the sale or transfer of stock in a corporation resulting in a merger or consolidation involving the direct owner or operator or indirect owner of the industrial establishment;

(3) the sale or transfer of stock in a corporation, or the transfer of a partnership interest, resulting in a change in the person holding the controlling interest in the direct owner or operator or indirect owner of an industrial establishment;

(4) the sale or transfer of title to an industrial establishment or the real property of an industrial establishment by exercising an option to purchase; or

(5) the sale or transfer of a partnership interest in a partnership that owns or operates an industrial establishment, that would reduce, by 10% or more, the assets available for remediation of the industrial establishment;

"Change in ownership" shall not include:

(1) a corporate reorganization not substantially affecting the ownership of the industrial establishment;

(2) a transaction or series of transactions involving the transfer of stock, assets or both, among corporations under common ownership, if the transaction or transactions will not result in the diminution of the net worth of the corporation that directly owns or operates the industrial establishment by more than 10%, or if an equal or greater amount in assets is available for the remediation of the industrial establishment before and after the transaction or transactions;

(3) a transaction or series of transactions involving the transfer of stock, assets or both, resulting in the merger or de facto merger or consolidation of the indirect owner with another entity, or in a change in the person holding the controlling interest of the indirect owner of an industrial establishment, when the indirect owner's assets would have been unavailable for cleanup if the transaction or transactions had not occurred;

(4) a transfer where the transferor is the sibling, spouse, child, parent, grandparent, child of a sibling, or sibling of a parent of the transferee;

(5) a transfer to confirm or correct any deficiencies in the recorded title of an industrial establishment;

(6) a transfer to release a contingent or reversionary interest except for any transfer of a lessor's reversionary interest in leased real property;

(7) a transfer of an industrial establishment by devise or intestate succession;

(8) the granting or termination of an easement or a license to any portion of an industrial establishment;

(9) the sale or transfer of real property pursuant to a condemnation proceeding initiated pursuant to the "Eminent Domain Act of 1971," P.L.1971, c.361 (C.20:3-1 et seq.);

(10) execution, delivery and filing or recording of any mortgage, security interest, collateral assignment or other lien on real or personal property; or

(11) any transfer of personal property pursuant to a valid security agreement, collateral assignment or other lien, including, but not limited to, seizure or replevin of such personal property which transfer is for the purpose of implementing the secured party's rights in the personal property which is the collateral.

"Department" means the Department of Environmental Protection and Energy;

"Hazardous substances" means those elements and compounds, including petroleum products, which are defined as such by the department, after public hearing, and which shall be consistent to the maximum extent possible with, and which shall include, the list of hazardous substances adopted by the Environmental Protection Agency pursuant to Section 311 of the "Federal Water Pollution Control Act Amendments of 1972" (33 U.S.C.§1321) and the list of toxic pollutants designated by Congress or the Environmental Protection Agency pursuant to Section 307 of that act (33 U.S.C.§1317); except that sewage and sewage sludge shall not be considered as hazardous substances for the purposes of this act;

"Hazardous waste" shall have the same meaning as provided in section 1 of P.L.1976, c.99 (C.13:1E-38);

"Industrial establishment" means any place of business engaged in operations which involve the generation, manufacture, refining, transportation, treatment, storage, handling, or disposal of hazardous substances or hazardous wastes on-site, above or below ground, having a Standard Industrial Classification number within 22-39 inclusive, 46-49 inclusive, 51 or 76 as designated in the Standard Industrial Classifications Manual prepared by the Office of Management and Budget in the Executive Office of the President of the United States. Those facilities or parts of facilities subject to operational closure and post-closure maintenance requirements pursuant to the "Solid Waste Management Act," P.L.1970, c.39 (C.13:1E-1 et seq.), the "Major Hazardous Waste Facilities Siting Act," P.L.1981, c.279 (C.13:1E-49 et seq.) or the "Solid Waste Disposal Act" (42 U.S.C.§6901 et seq.), or any establishment engaged in the production or distribution of agricultural commodities, shall not be considered industrial establishments for the purposes of this act. The department may, pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), exempt certain sub-groups or classes of operations within those sub-groups within the Standard Industrial Classification major group numbers listed in this subsection upon a finding that the operation of the industrial establishment does not pose a risk to public health and safety;

"Negative declaration" means a written declaration, submitted by the owner or operator of an industrial establishment or other person assuming responsibility for the remediation under paragraph (3) of subsection b. of section 4 of P.L.1983, c.330 to the department, certifying that there has been no discharge of hazardous substances or hazardous wastes on the site, or that any such discharge on the site or discharge that has migrated or is migrating from the site has been remediated in accordance with procedures approved by the department and in accordance with any applicable remediation regulations;

"Discharge" means an intentional or unintentional action or omission resulting in the releasing, spilling, leaking, pumping, pouring, emitting, emptying, or dumping of a hazardous substance or hazardous waste into the waters or onto the lands of the State;

"No further action letter" means a written determination by the department that, based upon an evaluation of the historical use of the industrial establishment and the property, or of an area of concern or areas of concern, as applicable, and any other investigation or action the department deems necessary, there are no discharged hazardous substances or hazardous wastes present at the site of the industrial establishment, at the area of concern or areas of concern, or at any other site to which discharged hazardous substances or hazardous wastes originating at the industrial establishment have migrated, and that any discharged hazardous substances or hazardous wastes present at the industrial establishment or that have migrated from the site have been remediated in accordance with applicable remediation regulations;

"Indirect owner" means any person who holds a controlling interest in a direct owner or operator, holds a controlling interest in another indirect owner, or holds an interest in a partnership which is an indirect owner or a direct owner or operator, of an industrial establishment;

"Direct owner or operator" means any person that directly owns or operates an industrial establishment. A holder of a mortgage or other security interest in the industrial establishment shall not be deemed to be a direct owner or operator of the industrial establishment unless or until it loses its exemption under P.L.1993, c.112 (C.58:10-23.11g4 et al.) or obtains title to the industrial establishment by deed of foreclosure, by other deed, or by court order or other process;

"Area of concern" means any location where hazardous substances or hazardous wastes are or were known or suspected to have been discharged, generated, manufactured, refined, transported, stored, handled, treated, or disposed, or where hazardous substances or hazardous wastes have or may have migrated;

"Remediation standards" means the combination of numeric and narrative standards to which hazardous substances or hazardous wastes must be investigated or remediated as established by the department pursuant to section 35 of P.L.1993, c.139 (C.58:10B-12);

"Owner" means any person who owns the real property of an industrial establishment or who owns the industrial establishment. A holder of a mortgage or other security interest in the industrial establishment shall not be deemed to be an owner of the industrial establishment unless or until it loses its exemption under P.L.1993, c.112 (C.58:10-23.11g4 et al.) or obtains title to the industrial establishment by deed of foreclosure, by other deed, or by court order or other process;

"Operator" means any person, including users, tenants, or occupants, having and exercising direct actual control of the operations of an industrial establishment. A holder of a mortgage or other security interest in the industrial establishment shall not be deemed to be an operator of the industrial establishment unless or until it loses its exemption under P.L.1993, c.112 (C.58:10-23.11g4 et al.) or obtains title to the industrial establishment by deed of foreclosure, by other deed, or by court order or other process;

"Preliminary assessment" means the first phase in the process of identifying areas of concern and determining whether hazardous substances or hazardous wastes are or were present at an industrial establishment or have migrated or are migrating from the industrial establishment, and shall include the initial search for and evaluation of, existing site specific operational and environmental information, both current and historic, to determine if further investigation concerning the documented, alleged, suspected or latent discharge of any hazardous substance or hazardous waste is required. The evaluation of historic information shall be conducted from 1932 to the present, except that the department may require the search for and evaluation of additional information relating to ownership and use of the site prior to 1932 if such information is available through diligent inquiry of public records;

"Remediation" or "remediate" means all necessary actions to investigate and clean up any known, suspected, or threatened discharge of hazardous substances or hazardous wastes, including, as necessary, the preliminary assessment, site investigation, remedial investigation, and remedial action;

"Remedial action" means those actions taken at an industrial establishment or offsite of an industrial establishment if hazardous substances or hazardous wastes have migrated or are migrating therefrom, as may be required by the department to protect public health, safety, and the environment. These actions may include the removal, treatment, containment, transportation, securing, or other engineering measures, whether of a permanent nature or otherwise, designed to ensure that any discharged hazardous substances or hazardous wastes at the site or that have migrated or are migrating from the site, are remediated in compliance with the applicable remediation standards;

"Remedial investigation" means a process to determine the nature and extent of a discharge of hazardous substances or hazardous wastes at an industrial establishment or a discharge of hazardous substances or hazardous wastes that have migrated or are migrating from the site and the problems presented by a discharge, and may include data collection, site characterization, sampling, monitoring, and the gathering of any other sufficient and relevant information necessary to determine the necessity for remedial action and to support the evaluation of remedial actions if necessary;

"Site investigation" means the collection and evaluation of data adequate to determine whether or not discharged hazardous substances or hazardous wastes exist at the industrial establishment or have migrated or are migrating from the site at levels in excess of the applicable remediation standards. A site investigation shall be developed based upon the information collected pursuant to the preliminary assessment.

4. Section 4 of P.L.1983, c.330 (C.13:1K-9) is amended to read as follows:

C.13:1K-9 Closing, transfer procedures.

4. a. The owner or operator of an industrial establishment planning to close operations or transfer ownership or operations shall notify the department in writing, no more than five days subsequent to closing operations or of its public release of its decision to close operations, whichever occurs first, or within five days after the execution of an agreement to transfer ownership or operations, as applicable. The notice to the department shall: identify the subject industrial establishment; describe the transaction requiring compliance with P.L.1983, c.330 (C.13:1K-6 et al.); state the date of the closing of operations or the date of the public release of the decision to close operations as evidenced by a copy of the appropriate public announcement, if applicable; state the date of execution of the agreement to transfer ownership or operations and the names, addresses and telephone numbers of the parties to the transfer, if applicable; state the proposed date for closing operations or transferring ownership or operations; list the name, address, and telephone number of an authorized agent for the owner or operator; and certify that the information submitted is accurate. The notice shall be transmitted to the department in the manner and form required by the department. The department may, by regulation, require the submission of any additional information in order to improve the efficient implementation of P.L.1983, c.330.

b. (1) Subsequent to the submittal of the notice required pursuant to subsection a. of this section, the owner or operator of an industrial establishment shall, except as otherwise provided by P.L.1983, c.330 or P.L.1993, c.139 (C.13:1K-9.6 et al.), remediate the industrial establishment. The remediation shall be conducted in accordance with criteria, procedures, and time schedules established by the department.

(2) The owner or operator shall attach a copy of any approved negative declaration, approved remedial action workplan, no further action letter, or remediation agreement approval to the contract or agreement of sale or agreement to transfer or any option to purchase which may be entered into with respect to the transfer of ownership or operations. In the event that any sale or transfer agreements or options have been executed prior to the approval of a negative declaration, remedial action workplan, no further action letter, or remediation agreement, these documents, as relevant, shall be transmitted by the owner or operator, by certified mail, overnight delivery, or personal service, prior to the transfer of ownership or operations, to all parties to any transaction concerning the transfer of ownership or operations, including purchasers, bankruptcy trustees, mortgagees, sureties, and financiers.

(3) The preliminary assessment, site investigation, remedial investigation, and remedial action for the industrial establishment shall be performed and implemented by the owner or operator of the industrial establishment, except that any other party may assume that responsibility pursuant to the provisions of P.L.1983, c.330.

c. The owner or operator of an industrial establishment shall, subsequent to closing operations, or of its public release of its decision to close operations, or prior to transferring ownership or operations except as otherwise provided in subsection e. of this section, as applicable, submit to the department for approval a proposed negative declaration or proposed remedial action workplan. Except as otherwise provided in section 6 of P.L.1983, c.330 (C.13:1K-11), and sections 13, 16, 17 and 18 of P.L.1993, c.139 (C.13:1K-11.2, C.13:1K-11.5, C.13:1K-11.6 and C.13:1K-11.7), the owner or operator of an industrial establishment shall not transfer ownership or operations until a negative declaration or a remedial action workplan has been approved by the department or the conditions of subsection e. of this section for remediation agreements have been met and until, in cases where a remedial action workplan is required to be approved or a remediation agreement has been approved, a remediation funding source, as required pursuant to section 25 of P.L.1993, c.139 (C.58:10B-3), has been established.

d. (1) Upon the submission of the results of either the preliminary assessment, site investigation, remedial investigation, or remedial action, where applicable, which demonstrate that there are no discharged hazardous substances or hazardous wastes at the industrial establishment, or that have migrated from or are migrating from the industrial establishment, in violation of the applicable remediation standards, the owner or operator may submit to the department for approval a proposed negative declaration as provided in subsection c. of this section.

(2) After the submission and review of the information submitted pursuant to a preliminary assessment, site investigation, remedial investigation, or remedial action, as necessary, the department shall, within 45 days of submission of a complete and accurate negative declaration, approve the negative declaration, or inform the owner or operator of the industrial establishment that a remedial action workplan or additional remediation shall be required. The department shall approve a negative declaration by the issuance of a no further action letter.

e. The owner or operator of an industrial establishment, who has submitted a notice to the department pursuant to subsection a. of this section, may transfer ownership or operations of the industrial establishment prior to the approval of a negative declaration or remedial action workplan upon application to and approval by the department of a remediation agreement. The owner or operator requesting a remediation agreement shall submit the following documents: (1) an estimate of the cost of the remediation that is approved by the department; (2) a certification of the statutory liability of the owner or operator pursuant to P.L.1983, c.330 to perform and to complete a remediation of the industrial establishment in the manner and time limits provided by the department in regulation and consistent with all applicable laws and regulations; however, nothing in this paragraph shall be construed to be an admission of liability, or to impose liability on the owner or operator, pursuant to P.L.1976, c.141 (C.58:10-23.11 et seq.) or pursuant to any other statute or common law; (3) evidence of the establishment of a remediation funding source in an amount of the estimated cost of the remediation and in accordance with the provisions of section 25 of P.L.1993, c.139 (C.58:10B-3); (4) a certification that the owner or operator is subject to the provisions of P.L.1983, c.330, including the liability for penalties for violating the act, defenses to liability and limitations thereon, the requirement to perform a remediation as required by the department, allowing the department access to the industrial establishment as provided in section 5 of P.L.1983, c.330 (C.13:1K-10), and the requirement to prepare and submit any document required by the department relevant to the remediation of the industrial establishment; and (5) evidence of the payment of all applicable fees required by the department.

The department may require in the remediation agreement that all plans for and results of the preliminary assessment, site investigation, remedial investigation, and the implementation of the remedial action workplan, prepared or initiated subsequent to the transfer of ownership or operations, be submitted to the department, for review purposes only, at the completion of each phase of the remediation.

The department shall adopt regulations establishing the manner in which the documents required pursuant to paragraphs (1) through (5), inclusive, of this subsection shall be submitted. The department shall approve the application for the remediation agreement upon the complete and accurate submission of the documents required to be submitted pursuant to this subsection. The regulations shall include a sample form of the certifications. Approval of a remediation agreement shall not affect an owner's or operator's right to avail itself of the provisions of section 6 of P.L.1983, c.330 (C.13:1K-11), of section 13, 14, 15, 16, 17, or 18 of P.L.1993, c.139 (C.13:1K-11.2, C.13:1K-11.3, C.13:1K-11.4, C.13:1K-11.5, C.13:1K-11.6 or C.13:1K-11.7), or of the other provisions of this section.

f. An owner or operator of an industrial establishment may perform a preliminary assessment, site investigation, or remedial investigation for a soil, surface water, or groundwater remediation without the prior submission to or approval of the department, except as otherwise provided in a remediation agreement required pursuant to subsection e. of this section. However, the plans for and results of the preliminary assessment, site investigation, and remedial investigation may, at the discretion of the owner or operator, be submitted to the department for its review and approval at the completion of each phase of the remediation.

g. (1) The soil remediation standard to be implemented on an industrial establishment shall be selected in conformance with the policies and criteria enumerated in section 35 of P.L.1993, c.139 (C.58:10B-12).

(2) The department may not disapprove the use of the minimum nonresidential soil remediation standards adopted by the depart-

ment except upon a finding that the use of the nonresidential soil remediation standards at that site would not be protective of public health, safety, or the environment or except as provided in subsection i. of this section.

h. An owner or operator of an industrial establishment may implement a soil remedial action at an industrial establishment without prior department approval of the remedial action workplan for the remediation of soil when the remedial action can reasonably be expected to be completed pursuant to standards, criteria, and time schedules established by the department, which schedules shall not exceed five years from the commencement of the implementation of the remedial action and if the owner or operator is implementing a soil remediation which meets the established minimum residential or nonresidential use soil remediation standards adopted by the department.

Nothing in this subsection shall be construed to authorize the closing of operations or the transfer of ownership or operations of an industrial establishment without the department's approval of a negative declaration, a remedial action workplan or a remediation agreement.

i. An owner or operator of an industrial establishment shall base his decision to use the nonresidential use soil remediation standards for the industrial establishment upon the criteria listed below, as applicable:

(1) The soil remediation standards proposed for the industrial establishment are protective of public health, safety and the environment;

(2) The accessibility of the industrial establishment to persons not authorized to enter the site;

(3) The transferee of the industrial establishment has agreed to the implementation of the nonresidential use soil remediation standards;

(4) The potential for hazardous substances or hazardous wastes to affect any other property;

(5) The difference in cost between the use of the residential use soil remediation standards and the nonresidential use soil remediation standards; and

(6) Consistency with regulations established by the Pinelands Commission pursuant to P.L.1979, c.111 (C.13:18A-1 et seq.).

The department shall, within 18 months of the effective date of P.L.1993, c.139 (C.13:1K-9.6 et al.), promulgate regulations to clearly define how the department will evaluate the application of the criteria enumerated in paragraphs (1) through (6) of this subsection; provided, however, that notwithstanding the preceding requirement, the criteria enumerated in paragraphs (1) through (4) and in paragraph (6) shall become immediately operative. Until the department promulgates those regulations, it shall impose reasonable standards and requirements upon any owner or operator deciding to use nonresidential use soil remediation standards pursuant to this subsection. Furthermore, the department shall not impose any requirement or standard with regard to the criterion enumerated in paragraph (5) that would require an owner or operator to implement residential use soil remediation standards unless the cost difference between implementing the residential standards and the nonresidential standards is a de minimis amount. For the purposes of the preceding, de minimis shall mean a cost difference not exceeding 10 percent of the cost of implementing the nonresidential standards.

At any time after the effective date of P.L.1993, c.139, an owner or operator may request the department to provide a determination as to whether a proposed remedial action is consistent with the criteria set forth above in paragraphs (1) through (6). The department shall provide any such determination within 30 calendar days of the department's receipt of the request.

j. An owner or operator proposing to implement a soil remedial action other than one which is set forth in subsection h. of this section must receive department approval prior to implementation of the remedial action.

k. An owner or operator of an industrial establishment shall not implement a remedial action involving the remediation of groundwater or surface water without the prior review and approval by the department of a remedial action workplan.

l. Submissions of a preliminary assessment, site investigation, remedial investigation, remedial action workplan, and the results of a remedial action shall be in a manner and form, and shall contain any relevant information relating to the remediation, as may be required by the department.

Upon receipt of a complete and accurate submission, the department shall review and approve or disapprove the submission in accordance with the review schedules established pursuant to section 2 of P.L.1991, c.423 (C.13:1D-106). The owner or operator shall not be required to wait for a response by the department before continuing remediation activities, except as otherwise provided in this section. Upon completion of the remediation, the plans for and results of the preliminary assessment, site investigation, remedial investigation, remedial action workplan, and remedial action and any other information required to be submitted as provided in section 35 of P.L.1993, c.139 (C.58:10B-12), that has not previously been submitted to the department, shall be submitted to the department for its review and approval.

The department shall review all information submitted to it by the owner or operator at the completion of the remediation to determine whether the actions taken were in compliance with rules and regulations of the department regarding remediation.

The department may review and approve or disapprove every remedial action workplan, no matter when submitted, to determine, in accordance with the criteria listed in subsection g. of section 35 of P.L.1993, c.139 (C.58:10B-12) if the remedial action that has occurred or that will occur is appropriate to meet the applicable remediation standards.

The department may order additional remediation activities at the industrial establishment, or offsite where necessary, or may require the submission of additional information, where (a) the department determines that the remediation activities undertaken were not in compliance with the applicable rules or regulations of the department; (b) all documents required to be submitted to the department were not submitted or, if submitted, were inaccurate, or deficient; or (c) discharged hazardous substances or hazardous wastes remain at the industrial establishment, or have migrated or are migrating offsite, at levels or concentrations in violation of the applicable remediation standards. Upon a finding by the department that the remediation conducted at the industrial establishment was in compliance with all applicable regulations, that no hazardous substances or hazardous wastes remain at the industrial establishment in violation of the applicable remediation standards, and that all hazardous substances or hazardous wastes that migrated from the industrial establishment have been remediated in conformance with the applicable remediation standards, the department shall approve the remediation for that industrial establishment by the issuance of a no further action letter.

5. Section 2 of P.L.1991, c.238 (C.13:1K-9.2) is amended to read as follows:

C.13:1K-9.2 Owner, operator required to remediate industrial establishment.

2. The acquiring of title to an industrial establishment by a municipality pursuant to a foreclosure action pertaining to a certificate of tax sale purchased and held by the municipality shall not relieve the previous owner or operator of the industrial estab-

lishment of his duty to remediate the industrial establishment as required pursuant to P.L.1983, c.330.

6. Section 3 of P.L.1991, c.238 (C.13:1K-9.3) is amended to read as follows:

C.13:1K-9.3 Remediation of industrial establishment by municipality, debt of immediate past owner or operator.

3. If a municipality undertakes a remediation of an industrial establishment, the title to which the municipality acquired pursuant to a foreclosure action pertaining to a certificate of tax sale, all expenditures incurred in the remediation shall be a debt of the immediate past owner or operator of the industrial establishment. The debt shall constitute a lien on all property owned by the immediate past owner or operator when a notice of lien, incorporating a description of the property subject to the remediation and an identification of the amount of remediation and related costs expended by the municipality is duly filed with the clerk of the Superior Court. The clerk shall promptly enter upon the civil judgment or order docket the name and address of the immediate past owner or operator and the amount of the lien as set forth in the notice of lien. Upon entry by the clerk, the lien shall attach to the revenues and all real and personal property of the immediate past owner or operator, whether or not he is insolvent. The notice of lien filed pursuant to this section which affects any property of an immediate past owner or operator shall have priority from the day of the filing of the notice of the lien, but shall not affect any valid lien, right, or interest in the property filed in accordance with established procedure prior to the filing of a notice of lien pursuant to this section.

7. Section 5 of P.L.1991, c.238 (C.13:1K-9.5) is amended to read as follows:

C.13:1K-9.5 Remediation by municipality, approval.

5. If a municipality undertakes a remediation of an industrial establishment, the municipality shall undertake that remediation and shall obtain all approvals required by the Department of Environmental Protection and Energy.

C.13:1K-9.6 Review, approval of remediation.

8. Upon the submission of the complete and accurate results of a phase of the remediation pursuant to section 4 of P.L.1983, c.330 (C.13:1K-9) or of any other document required to be submitted that requires the department's review and approval in order to comply

with P.L.1983, c.330, the department shall review and approve, approve with conditions, or disapprove the submission or other documents in accordance with the review schedules established pursuant to section 2 of P.L.1991, c.423 (C.13:1D-106).

C.13:1K-9.7 Transfer, close of operations without compliance; conditions.

9. The owner or operator of an industrial establishment may, upon submission of a written notice to the department, transfer ownership or operations or close operations without complying with the provisions of section 4 of P.L.1983, c.330 (C.13:1K-9) if the total quantity of hazardous substances and hazardous wastes generated, manufactured, refined, transported, treated, stored, handled, or disposed of at the industrial establishment at any one time during the owner's or operator's period of ownership or operations:

(a) does not exceed 500 pounds or 55 gallons;

(b) if a hazardous substance or hazardous waste is mixed with nonhazardous substances, the total quantity in the mixture does not exceed 500 pounds or 55 gallons; or

(c) if, in the aggregate, hydraulic or lubricating oil, does not exceed 220 gallons.

10. Section 5 of P.L.1983, c.330 (C.13:1K-10) is amended to read as follows:

C.13:1K-10 Rules, regulations; department access.

5. a. The department shall, pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), adopt rules and regulations establishing: (1) criteria and minimum standards necessary for the submission, evaluation and approval of plans or results of preliminary assessments, site investigations, remedial investigations, and remedial action workplans and for the implementation thereof. The documents for the preliminary assessment, site investigation, remedial investigation, and remedial action workplan required to be submitted for a remediation shall not be identical to the criteria and standards used for similar documents submitted pursuant to federal law, except as may be required by federal law. In establishing criteria and minimum standards for these terms, the department shall strive to avoid duplicate or unnecessarily costly or time consuming conditions or standards; (2) a fee schedule, as necessary, reflecting the actual costs associated with the review of plans for or results of negative declarations, preliminary assessments, site investigations, remedial investigations, and remedial actions, and review of the

implementation thereof and for any other review or approval required by the department; (3) standards and procedures for remediation agreements authorized pursuant to subsection e. of section 4 of P.L.1983, c.330 (C.13:1K-9); and (4) any other provisions or procedures necessary to implement this act.

b. The owner or operator shall allow the department reasonable access to the industrial establishment and to offsite areas under the owner's or operator's control to inspect the premises, review records, and to take soil, groundwater, or other samples or measurements as deemed necessary by the department to verify the results of any submission made to the department and to verify the owner's or operator's compliance with the requirements of this act.

11. Section 6 of P.L.1983, c.330 (C.13:1K-11) is amended to read as follows:

C.13:1K-11 Transfer of industrial establishment; deferral of remedial action workplan.

6. a. The owner or operator of an industrial establishment planning to transfer ownership or operations may apply to the department for a deferral of the preparation, approval, and implementation of a remedial action workplan for the industrial establishment. The applicant shall submit to the department:

(1) a certification signed by the purchaser, transferee, mortgagee or other party to the transfer, approved by the department, that the industrial establishment would be subject to substantially the same use by the purchaser, transferee, mortgagee or other party to the transfer;

(2) a certification, approved by the department, that the owner or operator has satisfactorily completed a preliminary assessment, site investigation, and remedial investigation of the industrial establishment;

(3) a cost estimate for the remedial action necessary at the industrial establishment, approved by the department based upon the information collected in the preliminary assessment, site investigation, and remedial investigation and developed in accordance with department regulations; and

(4) a certification, approved by the department, that the purchaser, transferee, mortgagee or other party to the transfer has the financial ability to pay for the implementation of the necessary remedial action.

The preparation, approval, and implementation of a remedial action workplan for the industrial establishment may be deferred for that transfer until the use changes or until the purchaser, transferee, mortgagee or other party to the transfer closes operations.

b. Upon submission of a complete and accurate application, the department shall approve the deferral. Upon approval of the deferral, the preparation, approval, and implementation of a remedial action workplan at the industrial establishment shall be deferred.

c. The authority to defer the preparation, approval, and implementation of a remedial action workplan set forth in this section shall not be construed to limit, restrict, or prohibit the department from directing site remediation under any other statute, rule, or regulation, but shall be solely applicable to the obligations of the owner or operator of an industrial establishment, pursuant to the provisions of this act, nor shall any other provisions of this act be construed to limit, restrict, or prohibit the department from directing site remediation under any other statute, rule, or regulation.

For the purposes of this section, substantially the same use means that the industrial establishment shall retain the same three digit Industry Group Number, as designated in the Standard Industrial Classifications Manual prepared by the federal Office of Management and Budget in the Executive Office of the President of the United States. In a manner and form, and in accordance with the specific criteria prescribed by the department, an applicant may petition for a finding by the department that the affected industrial establishment be deemed subject to substantially the same use based upon its retention of the same two digit Major Group Number, as designated in the Standard Industrial Classifications Manual.

12. Section 8 of P.L.1983, c.330 (C.13:1K-13) is amended to read as follows:

C.13:1K-13 Grounds for voiding sale; violations; penalties.

8. a. Failure of the transferor to perform a remediation and obtain department approval thereof as required pursuant to the provisions of this act is grounds for voiding the sale or transfer of an industrial establishment or any real property utilized in connection therewith by the transferee, entitles the transferee to recover damages from the transferor, and renders the owner or operator of the industrial establishment strictly liable, without regard to fault, for all remediation costs and for all direct and indirect damages resulting from the failure to implement the remedial action workplan. A transferee may not act to void the

sale or transfer of an industrial establishment or any real property except upon providing notice to the transferor of the failure to perform and affording the transferor a reasonable amount of time to comply with the provisions of this act.

b. Any person who knowingly gives or causes to be given any false information or who fails to comply with the provisions of this act is liable for a penalty of not more than $25,000.00 for each offense. If the violation is of a continuing nature, each day during which it continues shall constitute an additional and separate offense. Penalties shall be collected in a civil action by a summary proceeding under "the penalty enforcement law" (N.J.S.2A:58-1 et seq.). Any officer or management official of an industrial establishment who knowingly directs or authorizes the violation of any provisions of this act shall be personally liable for the penalties established in this subsection.

C.13:1K-11.2 Application for expedited review.

13. a. The owner or operator of an industrial establishment planning to close operations or transfer ownership or operations of an industrial establishment may, in lieu of complying with the provisions of subsection b. of section 4 of P.L.1983, c.330 (C.13:1K-9), apply to the department for an expedited review. An application for an expedited review pursuant to this section shall include:

(1) the notice required pursuant to the provisions of subsection a. of section 4 of P.L.1983, c.330 (C.13:1K-9);

(2) a certification that for the industrial establishment, a remedial action workplan has previously been implemented and a no further action letter has been issued pursuant to P.L.1983, c.330, a negative declaration has been previously approved by the department pursuant to P.L.1983, c.330, or the department or the United States Environmental Protection Agency, pursuant to the "Resource Conservation and Recovery Act," 42 U.S.C. §6901 et seq. or the "Comprehensive Environmental Response, Compensation, and Liability Act of 1980," 42 U.S.C. §9601 et seq., or any other law, has previously approved a remediation of the industrial establishment equivalent to that performed pursuant to the provisions of P.L.1983, c.330;

(3) a certification that the owner or operator has performed remediation activities at the industrial establishment that are consistent with current regulations established by the department in order to identify areas of concern that are new or have continued in use since the issuance of a no further action letter, negative

declaration approval, or remediation approval as described in paragraph (2) of this subsection, and, based on those remediation activities, that there has been no discharge of a hazardous substance or hazardous waste at the industrial establishment subsequent to the approval of the negative declaration, the issuance of the no further action letter, or the equivalent remediation; or, if any discharge has occurred, a certification listing any discharge, describing the action taken to remediate the discharge, a certification that the remediation was performed in accordance with procedures established by the department, a certification that the remediation was approved by the department and a copy of the document evidencing the departmental approval;

(4) a certification that for any underground storage tank covered by the provisions of P.L.1986, c.102 (C.58:10A-21 et seq.), an approved method of secondary containment or a monitoring system as required by P.L.1986, c.102, has been installed;

(5) a copy of the most recent negative declaration, or no further action letter, or other approval, as applicable, approved by the department for the entire industrial establishment; and

(6) a proposed negative declaration.

b. Upon the submission of a complete and accurate application and after an inspection, if necessary, the department shall approve or disapprove the negative declaration. The department shall approve the negative declaration upon a finding that the information in the certifications submitted pursuant to subsection a. of this section is accurate. Upon a disapproval of the proposed negative declaration by the department pursuant to this section, the owner or operator shall comply with the provisions of section 4 of P.L.1983, c.330.

C.13:1K-11.3 Application for limited site review.

14. a. The owner or operator of an industrial establishment planning to close operations or transfer ownership or operations of the industrial establishment may, in lieu of complying with the provisions of subsection b. of section 4 of P.L.1983, c.330 (C.13:1K-9), apply to the department for a limited site review. An application for a limited site review pursuant to this section shall include:

(1) the notice required pursuant to the provisions of subsection a. of section 4 of P.L.1983, c.330 (C.13:1K-9);

(2) a certification that for the industrial establishment, a remedial action workplan has previously been implemented and a no further action letter has been issued pursuant to P.L.1983, c.330, a negative declaration has been previously approved by the

department pursuant to P.L.1983, c.330, or the department or the United States Environmental Protection Agency, pursuant to the "Resource Conservation and Recovery Act," 42 U.S.C. §6901 et seq. or the "Comprehensive Environmental Response, Compensation, and Liability Act of 1980," 42 U.S.C. §9601 et seq., or any other law, has previously approved a remediation of the industrial establishment equivalent to that performed pursuant to the provisions of P.L.1983, c.330;

(3) a certification that the owner or operator has performed remediation activities at the industrial establishment that are consistent with current regulations established by the department in order to identify areas of concern and, based on those remediation activities, that subsequent to the issuance of the negative declaration, no further action letter or remediation approval described in paragraph (2) of this subsection, a discharge has occurred at the industrial establishment that was not remediated in accordance with the procedures established by the department or that any remediation performed has not been approved by the department and that no other discharge of a hazardous substance or hazardous waste has occurred at the industrial establishment;

(4) a certification that for any underground storage tank covered by the provisions of P.L.1986, c.102 (C.58:10A-21 et seq.), an approved method of secondary containment or a monitoring system as required by P.L.1986, c.102, has been installed;

(5) a copy of the most recent negative declaration, no further action letter, or other approval, as applicable, approved by the department for the industrial establishment; and

(6) a proposed negative declaration, if applicable.

b. Upon the submission of a complete application, and after an inspection if necessary, the department may:

(1) approve the negative declaration upon a finding that any discharge of a hazardous substance or hazardous waste, as certified to pursuant to paragraph (3) of subsection a. of this section, has been remediated consistent with the applicable remediation standards as established by the department; or

(2) require that the owner or operator perform a remediation as set forth in subsection b. of section 4 of P.L.1983, c.330 (C.13:1K-9) only for those areas of concern identified by the information provided pursuant to paragraph (3) of subsection a. of this section upon a finding that further investigation or remediation is necessary to bring the industrial establishment into compliance with the applicable remediation standards.

c. The owner or operator of an industrial establishment subject to the provisions of this section shall not close operations or transfer ownership or operations until a remedial action workplan, or a negative declaration, as applicable, has been approved by the department or upon approval of a remediation agreement as provided in subsection e. of section 4 of P.L.1983, c.330.

C.13:1K-11.4 Application for area of concern waiver.

15. a. The owner or operator of an industrial establishment who is required to perform a remediation at an industrial establishment pursuant to subsection b. of section 4 of P.L.1983, c.330 (C.13:1K-9) may apply to the department for an area of concern waiver. Approval of the area of concern waiver shall relieve the owner or operator of the requirement to perform a remediation pursuant to subsection b. of section 4 of P.L.1983, c.330 (C.13:1K-9) for any area of concern at that industrial establishment for which a remediation has previously been conducted and approved by the department. An application pursuant to this subsection shall include:

(1) a certification that the department or the United States Environmental Protection Agency, pursuant to the "Resource Conservation and Recovery Act," 42 U.S.C. §6901 et seq. or the "Comprehensive Environmental Response, Compensation, and Liability Act of 1980," 42 U.S.C. §9601 et seq., or any other law, has previously approved a remediation at an area of concern and has issued a no further action letter or an equivalent approval of a remediation for that area of concern;

(2) a copy of the most recent no further action letter or equivalent approval for that area of concern, approved by the department; and

(3) a certification that the owner or operator has performed remediation activities at that area of concern that are consistent with current regulations established by the department, and based on those remediation activities, that subsequent to the issuance of the no further action letter or equivalent approval described in paragraph (1) of this subsection, there has been no discharge of a hazardous substance or hazardous waste at that area of concern.

b. Upon submission of a complete and accurate application and after an inspection, if necessary, the department shall approve the application for an area of concern waiver upon a finding that the information in the certifications submitted pursuant to subsection a. of this section is accurate. Upon a disapproval of the application by the department pursuant to this section, the owner or operator shall perform a remediation of the subject area of concern as may be required pursuant to subsection b. of section 4 of P.L.1983, c.330.

C.13:1K-11.5 Application for closing, transfer when remediation is already in progress.

16. a. The owner or operator of an industrial establishment may apply to the department to close operations or transfer ownership or operations at an industrial establishment without obtaining departmental approval of a remedial action workplan or a negative declaration or without the approval of a remediation agreement as provided in subsection e. of section 4 of P.L.1983, c.330 (C.13:1K-9), if the industrial establishment is already in the process of a remediation pursuant to subsection b. of section 4 of P.L.1983, c.330 (C.13:1K-9) or a remediation equivalent to that performed pursuant to the provisions of P.L.1983, c.330, including a cleanup being performed under the "Resource Conservation and Recovery Act," 42 U.S.C. §6901 et seq. or the "Comprehensive Environmental Response, Compensation, and Liability Act of 1980," 42 U.S.C. §9601 et seq. The application shall include:

(1) the notice required pursuant to the provisions of subsection a. of section 4 of P.L.1983, c.330;

(2) a certification that there has been no discharge of any hazardous substance or hazardous waste at the industrial establishment during the applicant's period of operation or ownership or that the remediation of any discharge of a hazardous substance or hazardous waste that occurred during the applicant's period of ownership or operation was approved by the department;

(3) a certification by the owner or operator that a remediation funding source for the cost of the remediation or the implementation of the remedial action workplan at the industrial establishment has been established as required pursuant to section 25 of P.L.1993, c.139 (C.58:10B-3); and

(4) a certification, as applicable, that any transferee of the industrial establishment has been notified that the industrial establishment is the subject of a remediation.

b. Upon the submission of a complete application, and upon a finding that the information submitted is accurate, the department shall authorize, in writing, that the applicant may close operations or transfer ownership or operations of the industrial establishment.

C.13:1K-11.6 Application for closing, transfer when discharges are from regulated underground storage tank.

17. a. The owner or operator of an industrial establishment may apply to the department to close operations or transfer ownership or operations at an industrial establishment without obtaining departmental approval of a remedial action workplan or a nega-

tive declaration or without the approval of a remediation agreement as provided in subsection e. of section 4 of P.L.1983, c.330 if the only areas of concern or the only discharges at the industrial establishment are from an underground storage tank or tanks regulated pursuant to P.L.1986, c.102 (C.58:10A-21 et seq.). The application shall include:

(1) the notice required pursuant to the provisions of subsection a. of section 4 of P.L.1983, c.330;

(2) the submission of a preliminary assessment that shows that the only area of concern at an industrial establishment is an underground storage tank or tanks as defined pursuant to section 2 of P.L.1986, c.102 (C.58:10A-22), or the submission of a site investigation that shows that the only discharged hazardous substances or hazardous wastes at the industrial establishment, or that has migrated offsite, above the applicable remediation standards are from a leak or discharge from that underground storage tank or tanks; and

(3) a certification that the owner or operator of the industrial establishment is in compliance with the provisions of P.L.1986, c.102 for all underground storage tanks at the industrial establishment that are covered by that act. The owner or operator of an industrial establishment, at which a discharge of a hazardous substance or hazardous waste from an underground storage tank has occurred, shall be deemed in compliance with the provisions of P.L.1986, c.102, as it relates to that discharge for the purposes of this paragraph, if the owner or operator has been issued an order by or has entered into an agreement with the department to remediate that discharge and the owner or operator is in compliance with that order or agreement.

b. Upon the submission of a complete application, and upon a finding that the information submitted is accurate, the department shall authorize, in writing, the applicant to close operations or transfer ownership or operations of the industrial establishment.

C.13:1K-11.7 Application for closing, transfer when discharges are of minimal environmental concern.

18. a. The owner or operator of an industrial establishment may apply to the department to close operations or transfer ownership or operations at an industrial establishment without obtaining departmental approval of a remedial action workplan or without the approval of a remediation agreement as provided in subsection e. of section 4 of P.L.1983, c.330 if the discharge of

hazardous substances or hazardous wastes at the industrial establishment is of minimal environmental concern. Upon the completion of a preliminary assessment, site investigation, and remedial investigation for the industrial establishment, conducted pursuant to subsection b. of section 4 of P.L.1983, c.330, any owner or operator may submit to the department an application for a determination that the discharge at an industrial establishment is of minimal environmental concern, which application shall include:

(1) a certification, supported by the submission of data from the preliminary assessment, site investigation, and remedial investigation, that there are no more than two areas of concern at the industrial establishment that are contaminated at levels above the applicable remediation standards, and that remedial action at those areas of concern can be completed pursuant to standards and criteria established by the department within six months of the owner's or operator's receipt of the approval of the application by the department;

(2) a certification that a remedial action workplan shall be prepared pursuant to standards and criteria established by the department and that the remediation will meet either the nonresidential use or residential use soil remediation standards and the applicable surface water and groundwater remediation standards;

(3) a certification that the remedial action workplan will be prepared and implemented pursuant to standards and criteria established by the department within six months of the owner's or operator's receipt of the approval of the application by the department;

(4) evidence that the remediation funding source required pursuant to section 25 of P.L.1993, c.139 (C.58:10B-3) has been established;

(5) the payment of all fees or surcharges related to the remediation imposed pursuant to P.L.1983, c.330, P.L.1993, c.139 (C.13:1K-9.6 et al.), and section 33 of P.L.1993, c.139 (C.58:10B-11), and any rules or regulations adopted pursuant thereto; and

(6) documentation establishing that the discharged hazardous substances or hazardous wastes at the industrial establishment do not pose a threat to human health because of the proximity of an area of concern to a drinking water source or because of the location, complexity, or the nature of the discharge.

b. Upon the submission of a complete application, and upon a finding that the information submitted is accurate, the department shall approve the application for a determination that the discharge at an industrial establishment is of minimal environmental concern. Prior to making a finding upon the application pursuant to this section, the department may inspect the industrial establishment, as necessary, to verify the information in the application. The decision of the department shall be made within 30 days of the submission of a complete application. In determining the amount of time necessary to complete the remedial action, the department shall not include that time in which it takes the department to issue a permit for a discharge to surface water pursuant to P.L.1977, c.74 (C.58:10A-1 et seq.).

c. The owner or operator shall, upon the completion of the remedial action at the subject areas of concern, certify to the department that the remedial action workplan has been implemented in accordance with the standards and criteria established by the department and in compliance with the certifications made pursuant to this section. The certification shall include a copy of the remedial action workplan and the results of all sampling analysis and any tests performed as part of the remedial action. Within 45 days of receipt of the certification, the department shall issue a no further action letter to the owner or operator. The department may perform an inspection of the industrial establishment or any area offsite that is under the owner's or operator's control, as relevant, prior to issuing the no further action letter.

The department may refuse to issue the no further action letter pursuant to this section only upon a finding that hazardous substances or hazardous wastes remain at the relevant areas of concern at levels or concentrations in excess of the applicable remediation standards.

d. Upon the failure of an owner or operator to complete the implementation of a remedial action workplan within the six month period as provided in subsection a. of this section, the owner or operator shall so notify the department in writing and provide the reasons therefor. The owner or operator shall have no more than 120 additional days to complete the implementation of the remedial action. If the implementation of the remedial action is not completed within this additional time, the department may rescind its determination that the industrial establishment is of minimal environmental concern and may require that a new remedial action workplan be submitted and implemented by the owner or operator in a manner and under the terms and conditions provided in its general regulations for remedial action workplan submissions and implementation.

C.13:1K-11.8 Application for certificate of limited conveyance.

19. a. The owner of an industrial establishment may transfer a portion of the real property on which an industrial establishment is

situated without conducting a remediation of the entire industrial establishment pursuant to the provisions of P.L.1983, c.330, if, upon application by the owner, the department issues a certificate of limited conveyance pursuant to subsections b. through e. of this section, or if the owner transfers the portion of real property in accordance with the provisions of subsection f. of this section.

b. An application for a certificate of limited conveyance shall be in the form of a certification by the owner which shall include a description of the real property to be transferred, an appraisal of the real property to be transferred, the sale price or market value of the real property to be transferred, an appraisal of the entire industrial establishment, and an appraisal of the remaining property if the certificate of limited conveyance were issued, as well as any other information the department deems necessary to make the findings required in subsection c. of this section.

c. The department shall issue a certificate of limited conveyance for a portion of the real property on which an industrial establishment is situated after the submission of a complete and accurate application and upon a finding that the sales price or market value of the real property to be conveyed, together with any additional diminution in value to the remaining property as a result of the conveyance is not more than one third of the total appraised value of the industrial establishment prior to the transfer, and that the remaining real property is an industrial establishment subject to the provisions of P.L.1983, c.330. The appraisals shall be made no more than one year prior to the submission of application for a certificate of limited conveyance. Conveyances made pursuant to this section shall not exceed one third of the value of the industrial establishment during the period of ownership of the applicant.

d. Upon issuance of the certificate of limited conveyance, the owner or operator shall, prior to the conveyance, comply with the provisions of section 4 of P.L.1983, c.330 for that portion of the real property certified for conveyance. The remediation that may be required on the real property subject to the certificate of limited conveyance shall include any hazardous substances or hazardous wastes that are migrating from the remaining portion of the industrial establishment onto the real property being conveyed. The remaining portion of the industrial establishment, upon the subsequent closing of operations or transferring of ownership or operations, shall be subject to the provisions of P.L.1983, c.330 and P.L.1993, c.139 (C.13:1K-9.6 et al.).

e. A certificate of limited conveyance shall be valid for three years from the date of issuance.

f. An owner, either as part of or subsequent to a conveyance made in accordance with subsections b. through e. of this section, may transfer additional portions of the real property of the industrial establishment in excess of the conveyance limitation set forth in subsection c. of this section; provided, however, that the additional portions proposed for transfer do not constitute a closing of operations or transferring of ownership or operations, subject to section 4 of P.L.1983, c.330.

The amount paid for the additional portion of real property, or any part thereof, which exceeds the permissible conveyance limitation under subsection c. of this section shall be used exclusively for the purposes of remediating that parcel of real property in accordance with the provisions of subsection d. of this section; provided, however, if any portion of that amount shall remain unexpended for the remediation of the parcel, that unexpended amount shall be deposited in a remediation trust fund as provided in subsection g. of this section.

g. To provide for the subsequent remediation of that portion of the real property of an industrial establishment which was not transferred pursuant to subsection f. of this section, the owner shall establish a remediation trust fund in accordance with subsection c. of section 25 of P.L.1993, c.139 (C.58:10B-3) and shall deposit any unexpended amounts, as provided in subsection f. of this section, into that fund.

C.13:1K-11.9 Responsibilities of owner as landlord, operator as tenant.

20. a. Where the owner of an industrial establishment is a landlord and the operator of the industrial establishment is a tenant, the landlord shall be responsible for providing any information that is requested by the tenant that is not otherwise available through a diligent inquiry by the tenant, and the tenant shall be responsible for providing any information that is requested by the landlord that is not otherwise available through a diligent inquiry by the landlord.

b. Where the owner of an industrial establishment is a landlord and the operator of the industrial establishment is a tenant, the person that remediates the industrial establishment shall provide copies to the other person of all submissions to the department concerning the remediation.

c. Where the owner of an industrial establishment is a landlord and the operator of the industrial establishment is a tenant, and there has been a failure to comply with the provisions of P.L.1983, c.330, the landlord or the tenant may petition the department, in writing, to first compel that party who is responsible pursuant to the provisions of the lease, to comply with the requirements of P.L.1983, c.330. The petition shall include a copy of the signed lease between the landlord and the tenant. Upon a determination by the department that the provisions of the lease are unclear as it relates to the responsibility of either party to comply with the provisions of P.L.1983, c.330, or upon the failure by the person responsible pursuant to the provisions of the lease to comply, the department may compel compliance by all persons subject to the requirements of P.L.1983, c.330 for the industrial establishment.

C.13:1K-11.10 Notification of transfer, avoidance of penalty.

21. a. Any person who, prior to the effective date of P.L.1993, c.139, violated the provisions of P.L.1983, c.330 by closing operations or transferring ownership or operations of an industrial establishment without receiving departmental approval of a cleanup plan or a negative declaration pursuant to the provisions of P.L.1983, c.330, or without entering into an administrative consent order that allows the closure of operations or transfer of ownership or operations, shall not be subject to a penalty for that violation if the person notifies the department of the closure of operations or of the transfer of ownership or operations of the industrial establishment, and, within one year of the effective date of P.L.1993, c.139, enters into an administrative consent order or a memorandum of agreement with the department to complete a remediation of the industrial establishment pursuant to the provisions of P.L.1983, c.330 and any rules or regulations adopted pursuant thereto.

b. Notwithstanding the provisions of subsection a. of this section, any person who enters into a memorandum of agreement or an administrative consent order with the department pursuant to this section and fails to remediate the industrial establishment in accordance with the memorandum of agreement or administrative consent order shall be subject to penalties for violations that occurred before the effective date of P.L.1993, c.139 as well as any penalties for subsequent violations.

c. Any documents or information provided to the department pursuant to this section may not be used in a criminal investigation or criminal prosecution against the person providing the information or documents for those violations that occurred before the effective date of P.L.1993, c.139 as long as the person remediates the industrial establishment in conformance with the administrative consent order or memorandum of agreement entered into pursuant to subsection a. of this section.

C.13:1K-11.11 Audit of negative declarations and remedial action workplans.

22. a. Within one year of the effective date of P.L.1993, c.139, the Department of Environmental Protection and Energy shall conduct an audit of the negative declarations and remedial action workplans that have been submitted to the department pursuant to P.L.1983, c.330 (C.13:1K-6 et al.). On the basis of this audit, and any other information it may have available to it, the department shall adopt regulations identifying, within the Standard Industrial Classification major group numbers listed in the definition of "industrial establishment," all industries designated by Standard Industrial Classification number subgroups, or classes of operations within those subgroups, that should not pose a risk to public health and safety or to the environment. The audit shall, to the extent practicable, distinguish between hazardous substances or hazardous wastes at an industrial establishment caused by a particular type of industry and hazardous substances or hazardous wastes that exist as a result of activities at an industrial establishment unrelated to the activities of that industry.

b. An industrial establishment for which a remedial action workplan was previously implemented and a no further action letter was received pursuant to P.L.1983, c.330, a negative declaration was previously approved by the department pursuant to P.L.1983, c.330, or for which the department has previously approved a remediation equivalent to that performed pursuant to the provisions of P.L.1983, c.330, and that is designated by a Standard Industrial Classification subgroup or class of operations that does not pose a risk to public health and safety or to the environment as identified in subsection a. of this section, shall not be considered an industrial establishment for the purposes of P.L.1983, c.330.

C.58:10B-1 Definitions.

23. As used in sections 23 through 43 of P.L.1993, c.139 (C.58:10B-1 et seq.):

"Area of concern" means any location where contaminants are or were known or suspected to have been discharged, generated, manufactured, refined, transported, stored, handled, treated, or disposed, or where contaminants have or may have migrated;

"Authority" means the New Jersey Economic Development Authority established pursuant to P.L.1974, c.80 (C.34:1B-1 et seq.);

"Contamination" or "contaminant" means any discharged hazardous substance as defined pursuant to section 3 of P.L.1976, c.141 (C.58:10-23.11b), hazardous waste as defined pursuant to section 1 of P.L.1976, c.99 (C.13:1E-38), or pollutant as defined pursuant to section 3 of P.L.1977, c.74 (C.58:10A-3);

"Department" means the Department of Environmental Protection and Energy;

"Discharge" means an intentional or unintentional action or omission resulting in the releasing, spilling, leaking, pumping, pouring, emitting, emptying, or dumping of a contaminant onto the land or into the waters of the State;

"Engineering controls" means any mechanism to contain or stabilize contamination or ensure the effectiveness of a remedial action. Engineering controls may include, without limitation, caps, covers, dikes, trenches, leachate collection systems, signs, fences and access controls;

"Financial assistance" means loans or loan guarantees;

"Institutional controls" means a mechanism used to limit human activities at or near a contaminated site, or to ensure the effectiveness of the remedial action over time, when contaminants remain at a contaminated site in levels or concentrations above the applicable remediation standard that would allow unrestricted use of that property. Institutional controls may include, without limitation, structure, land, and natural resource use restrictions, well restriction areas, and deed notices;

"No further action letter" means a written determination by the department that based upon an evaluation of the historical use of a particular site, or of an area of concern or areas of concern at that site, as applicable, and any other investigation or action the department deems necessary, there are no discharged contaminants present at the site, at the area of concern or areas of concern, at any other site to which a discharge originating at the site has migrated, or that any discharged contaminants present at the site or that have migrated from the site have been remediated in accordance with applicable remediation regulations;

"Preliminary assessment" means the first phase in the process of identifying areas of concern and determining whether contaminants are or were present at a site or have migrated or are migrating from a site, and shall include the initial search for and evaluation of, existing site specific operational and environmental information, both current and historic, to determine if further investigation concerning the documented, alleged, suspected or latent discharge of any contaminant is required. The evaluation of historic information shall be conducted from 1932 to the present, except that the department may require the search for and evaluation of additional information relating to ownership and use of the site prior to 1932 if such information is available through diligent inquiry of the public records;

"Remedial action" means those actions taken at a site or offsite if a contaminant has migrated or is migrating therefrom, as may be required by the department, including the removal, treatment, containment, transportation, securing, or other engineering or treatment measures, whether of a permanent nature or otherwise, designed to ensure that any discharged contaminant at the site or that has migrated or is migrating from the site, is remediated in compliance with the applicable remediation standards;

"Remedial investigation" means a process to determine the nature and extent of a discharge of a contaminant at a site or a discharge of a contaminant that has migrated or is migrating from the site and the problems presented by a discharge, and may include data collected, site characterization, sampling, monitoring, and the gathering of any other sufficient and relevant information necessary to determine the necessity for remedial action and to support the evaluation of remedial actions if necessary;

"Remediation" or "remediate" means all necessary actions to investigate and clean up any known, suspected, or threatened discharge of contaminants, including, as necessary, the preliminary assessment, site investigation, remedial investigation, and remedial action;

"Site investigation" means the collection and evaluation of data adequate to determine whether or not discharged contaminants exist at a site or have migrated or are migrating from the site at levels in excess of the applicable remediation standards. A site investigation shall be developed based upon the information collected pursuant to the preliminary assessment;

"Remedial action workplan" means a plan for the remedial action to be undertaken at a site, or at any area to which a discharge originating at a site is migrating or has migrated; a description of the remedial action to be used to remediate a site; a time schedule and cost estimate of the implementation of the remedial action; and any other information the department deems necessary;

"Remediation fund" means the Hazardous Discharge Site Remediation Fund established pursuant to section 26 of P.L.1993, c.139 (C.58:10B-4);

"Remediation funding source" means the methods of financing the remediation of a discharge required to be established by a person performing the remediation pursuant to section 25 of P.L.1993, c.139 (C.58:10B-3);

"Remediation standards" means the combination of numeric and narrative standards to which contaminants must be remediated for soil, groundwater, or surface water as provided by the department pursuant to section 35 of P.L.1993, c.139 (C.58:10B-12).

C.58:10B-2 Rules, regulations.

24. The department shall, pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), adopt rules and regulations establishing criteria and minimum standards necessary for the submission, evaluation and approval of plans or results of preliminary assessments, site investigations, remedial investigations, and remedial action workplans and for the implementation thereof. The documents for the preliminary assessment, site investigation, remedial investigation, and remedial action workplan required to be submitted for a remediation, shall not be identical to the criteria and standards used for similar documents submitted pursuant to federal law, except as may be required by federal law. In establishing criteria and minimum standards for these terms the department shall strive to avoid duplicate or unnecessarily costly or time consuming conditions or standards.

C.58:10B-3 Establishment, maintenance of remediation funding source.

25. a. The owner or operator of an industrial establishment or any other person required to perform remediation activities pursuant to P.L.1983, c.330 (C.13:1K-6 et al.), or a discharger or person in any way responsible for a hazardous substance who has been issued a directive or an order by a State agency, who has entered into an administrative consent order with a State agency, or who has been ordered by a court to clean up and remove a hazardous substance or hazardous waste discharge pursuant to P.L.1976, c.141 (C.58:10-23.11 et seq.), shall establish and maintain a remediation funding source in the amount necessary to pay the estimated cost of the required remediation. A person who voluntarily undertakes a remediation pursuant to a memorandum of agreement with the department, or without the department's oversight, is not required to establish or maintain a remediation funding source. A person required to establish a remediation funding source pursuant to this section shall provide to the department satisfactory documentation that the requirement has been met.

The remediation funding source shall be established in an amount equal to or greater than the cost estimate of the implementation of the remediation (1) as approved by the department, (2) as provided in an administrative consent order or remediation agreement as required pursuant to subsection e. of section 4 of P.L.1983, c.330, (3) as stated in a departmental order or directive, or (4) as agreed to by a court, and shall be in effect for a term not less than the actual time necessary to perform the remediation at the site. Whenever the remediation cost estimate increases, the person required to establish the remediation funding source shall cause the amount of the remediation funding source to be increased to an amount at least equal to the new estimate. Whenever the remediation or cost estimate decreases, the person required to obtain the remediation funding source may file a written request to the department to decrease the amount in the remediation funding source. The remediation funding source may be decreased to the amount of the new estimate upon written approval by the department delivered to the person who established the remediation funding source and to the trustee or the person or institution providing the remediation trust, the environmental insurance policy, or the line of credit, as applicable. The department shall approve the request upon a finding that the remediation cost estimate decreased by the requested amount.

b. The person responsible for performing the remediation and who established the remediation funding source may use the remediation funding source to pay for the actual cost of the remediation. The department may not require any other financial assurance by the person responsible for performing the remediation other than that required in this section. In the case of a remediation performed pursuant to P.L.1983, c.330, the remediation funding source shall be established no more than 14 days after the approval by the department of a remedial action workplan or upon approval of a remediation agreement pursuant to subsection e. of section 4 of P.L.1983, c.330 (C.13:1K-9), unless the department approves an extension. In the case of a remediation performed pursuant to P.L.1976, c.141, the remediation funding source shall be established as provided in an administrative consent order signed by the parties, as provided by a court, or as directed or ordered by the department. The establishment of a remediation funding source for that part of the remediation funding source to be established by a grant or financial assistance from the remediation fund may be established for the purposes of this subsection by the application for a grant or financial assistance from the remediation fund and satisfactory evidence submitted to the department that the grant or financial assistance will be awarded. However, if the financial assistance or grant is denied or the department finds that the person responsible for establishing the remediation funding source did not take reasonable action to obtain the grant or financial assistance, the department shall require that the full amount of the remediation funding source be established within 14 days of the denial or finding. The remediation funding source shall be evidenced by the establishment and maintenance of (1) a remediation trust fund, (2) an environmental insurance policy, issued by an entity licensed by the Department of Insurance to transact business in the State of New Jersey, to fund the remediation, (3) a line of credit from a person or institution satisfactory to the department authorizing the person responsible for performing the remediation to borrow money, or (4) a self-guarantee, or by any combination thereof. Where it can be demonstrated that a person cannot establish and maintain a remediation funding source for the full cost of the remediation by a method specified in this subsection, that person may establish the remediation funding source for all or a portion of the remediation, by securing financial assistance from the Hazardous Discharge Site Remediation Fund as provided in section 29 of P.L.1993, c.139 (C.58:10B-7).

c. A remediation trust fund shall be established pursuant to the provisions of this subsection. An originally signed duplicate of the trust agreement shall be delivered to the department by certified mail within 14 days of receipt of notice from the department that the remedial action workplan or remediation agreement as provided in subsection e. of section 4 of P.L.1983, c.330 is approved or as specified in an administrative consent order, civil order, or order of the department, as applicable. The remediation trust fund agreement shall conform to a model trust fund agreement as established by the department and shall be accompanied by a certification of acknowledgment that conforms to a model established by the department. The trustee shall be an entity which has the authority to act as a trustee and whose trust operations are regulated and examined by a federal or New Jersey agency.

The trust fund agreement shall provide that the remediation trust fund may not be revoked or terminated by the person required to establish the remediation funding source or by the trustee without the written consent of the department. The trustee shall release to the person required to establish the remediation funding source, or to the department or transferee of the property, as appropriate, only those moneys as the department authorizes, in writing, to be released. The person entitled to receive money from the remediation trust fund shall submit documentation to the department detailing the costs incurred or to be incurred as part of the remediation. Upon a determination by the department that the costs are consistent with the remediation of the site, the department shall, in writing, authorize a disbursement of moneys from the remediation trust fund in the amount of the documented costs.

The department shall return the original remediation trust fund agreement to the trustee for termination after the person required to establish the remediation funding source substitutes an alternative remediation funding source as specified in this section or the department notifies the person that that person is no longer required to maintain a remediation funding source for remediation of the contaminated site.

d. An environmental insurance policy shall be established pursuant to the provisions of this subsection. An originally signed duplicate of the insurance policy shall be delivered to the department by certified mail, overnight delivery, or personal service within 30 days of receipt of notice from the department that the remedial action workplan or remediation agreement, as provided in subsection e. of section 4 of P.L.1983, c.330, is approved or as specified in an administrative consent order, civil order, or order of the department, as applicable.

The environmental insurance policy may not be revoked or terminated without the written consent of the department. The insurance company shall release to the person required to establish the remediation funding source, or to the department or transferee of the property, as appropriate, only those moneys as the department authorizes, in writing, to be released. The person entitled to receive money from the environmental insurance policy shall submit documentation to the department detailing the costs incurred or to be incurred as part of the remediation.

e. A line of credit shall be established pursuant to the provisions of this subsection. A line of credit shall allow the person establishing it to borrow money up to a limit established in a written agreement in order to pay for the cost of the remediation for which the line of credit was established. An originally signed duplicate of the line of credit agreement shall be delivered to the department by certified mail, overnight delivery, or personal service within 14 days of receipt of notice from the department that the remedial action workplan or remediation agreement as provided in subsection e. of section 4 of P.L.1983, c.330 is approved, or as specified in an administrative consent order, civil order, or order of the department, as applicable. The line of credit agreement shall conform to a model agreement as established by the department and shall be accompanied by a certification of acknowledgment that conforms to a model established by the department.

A line of credit agreement shall provide that the line of credit may not be revoked or terminated by the person required to obtain the remediation funding source or the person or institution providing the line of credit without the written consent of the department. The person or institution providing the line of credit shall release to the person required to establish the remediation funding source, or to the department or transferee of the property as appropriate, only those moneys as the department authorizes, in writing, to be released. The person entitled to draw upon the line of credit shall submit documentation to the department detailing the costs incurred or to be incurred as part of the remediation. Upon a determination that the costs are consistent with the remediation of the site, the department shall, in writing, authorize a disbursement from the line of credit in the amount of the documented costs.

The department shall return the original line of credit agreement to the person or institution providing the line of credit for termination after the person required to establish the remediation funding source substitutes an alternative remediation funding source as specified in this section, or after the department notifies the person that that person is no longer required to maintain a remediation funding source for remediation of the contaminated site.

f. A person may self-guarantee a remediation funding source upon the submittal of documentation to the department demonstrating that the cost of the remediation as estimated in the remedial action workplan, in the remediation agreement as provided in subsection e. of section 4 of P.L.1983, c.330, in an administrative consent order, or as provided in a departmental or court order, would not exceed one-third of the tangible net worth of the person required to establish the remediation funding source, and that the person has a cash flow sufficient to assure the availability of sufficient moneys for the remediation during the time necessary for the remediation. Satisfactory documentation of a person's capacity to self-guarantee a remediation funding source shall consist only of a statement of income and expenses or similar statement of that person and the balance sheet or similar statement of assets and liabilities as used by that person for the fiscal year of the person making the application that ended closest in time to the date of the self-guarantee application. The self-guarantee application shall be certified as true to the best of the applicant's information, knowledge, and belief, by the chief financial, or similar officer or employee, or general partner, or principal of the person making the self-guarantee application. A person shall be deemed by the department to possess the required cash flow pursuant to this section if that person's gross receipts exceed its gross payments in that fiscal year in an amount at least equal to the estimated costs of completing the remedial action workplan schedule to be performed in the 12 month period following the date on which the application for self-guarantee is made. In the event that a self-guarantee is required for a period of more than one year, applications for a self-guarantee shall be renewed annually pursuant to this subsection for each successive year. The department may establish requirements and reporting obligations to ensure that the person proposing to self-guarantee a remediation funding source meets the criteria for self-guaranteeing prior to the initiation of remedial action and until completion of the remediation.

g. (1) If the person required to establish the remediation funding source fails to perform the remediation as required, the department shall make a written determination of this fact. A copy of the determination by the department shall be delivered to the person required to establish the remediation funding source and, in the case of a remediation conducted pursuant to P.L.1983, c.330 (C.13:1K-6 et al.), to any transferee of the property. Following this written determination, the department may perform the remediation in place of the person required to establish the remediation funding source. In order to finance the cost of the remediation the department may make disbursements from the remediation trust fund or the line of credit or claims upon the environmental insurance policy, as appropriate, or, if sufficient moneys are not available from those funds, from the remediation guarantee fund created pursuant to section 45 of P.L.1993, c.139 (C.58:10B-20).

(2) The transferee of property subject to a remediation conducted pursuant to P.L.1983, c.330 (C.13:1K-6 et al.), may, at any time after the department's determination of nonperformance by the owner or operator required to establish the remediation funding source, petition the department, in writing, with a copy

being sent to the owner and operator, for authority to perform the remediation at the industrial establishment. The department, upon a determination that the transferee is competent to do so, may grant that petition which shall authorize the transferee to perform the remediation as specified in an approved remedial action workplan, or to perform the activities as required in a remediation agreement, and to avail itself of the moneys in the remediation trust fund or line of credit or to make claims upon the environmental insurance policy for these purposes. The petition of the transferee shall not be granted by the department if the owner or operator continues or begins to perform its obligations within 14 days of the petition being filed with the department.

(3) After the department has begun to perform the remediation in the place of the person required to establish the remediation funding source or has granted the petition of the transferee to perform the remediation, the person required to establish the remediation funding source shall not be permitted by the department to continue its performance obligations except upon the agreement of the department or the transferee, as applicable, or except upon a determination by the department that the transferee is not adequately performing the remediation.

C.58:10B-4 Hazardous Discharge Site Remediation Fund.

26. a. There is established in the New Jersey Economic Development Authority a special, revolving fund to be known as the Hazardous Discharge Site Remediation Fund. Moneys in the remediation fund shall be dedicated for the provision of financial assistance or grants to municipal governmental entities, individuals, corporations, partnerships, and other private business entities, for the purpose of financing remediation activities at sites at which there is, or is suspected of being, a discharge of hazardous substances or hazardous wastes.

b. The remediation fund shall be credited with:

(1) moneys as are appropriated by the Legislature;

(2) moneys deposited into the fund as repayment of principal and interest on outstanding loans made from the fund;

(3) any return on investment of moneys deposited in the fund;

(4) remediation funding source surcharges imposed pursuant to section 33 of P.L.1993, c.139 (C.58:10B-11);

(5) moneys deposited into the fund from cost recovery subrogation actions; and

(6) moneys made available to the authority for the purposes of the fund.

C.58:10B-5 Financial assistance from remediation fund.

27. a. (1) Financial assistance from the remediation fund, made to persons other than municipal governmental entities or to persons who voluntarily undertake a remediation, may only be rendered to persons who cannot establish a remediation funding source for the full amount of a remediation. Financial assistance pursuant to this act may be rendered only for that amount of the cost of a remediation for which the person cannot establish a remediation funding source.

(2) Financial assistance rendered to persons who voluntarily undertake a remediation may only be made for that amount of the cost of the remediation that the person cannot otherwise fund by any of the authorized methods to establish a remediation funding source.

b. Financial assistance may be rendered from the remediation fund to (1) owners or operators of industrial establishments who are required to perform remediation activities pursuant to P.L.1983, c.330 (C.13:1K-6 et al.), upon closing operations or prior to the transfer of ownership or operations of an industrial establishment, (2) persons who have discharged a hazardous substance or who are in any way responsible for a hazardous substance pursuant to P.L.1976, c.141 (C.58:10-23.11 et seq.), and (3) persons who voluntarily undertake the remediation of a discharge of a hazardous substance or hazardous waste and who have not been ordered or directed to perform the remediation by the department or by a court.

c. Financial assistance and grants may be made from the remediation fund to municipal governmental entities that own or hold a tax sale certificate on real property on which there has been a discharge or on which there is a suspected discharge of a hazardous substance or hazardous waste.

d. Grants may be made from the remediation fund to persons other than governmental entities who own real property on which there has been a discharge of a hazardous substance or a hazardous waste and that person qualifies for an innocent party grant pursuant to section 28 of P.L.1993, c.139 (C.58:10B-6).

C.58:10B-6 Financial assistance and grants from the fund; allocations.

28. a. Except for moneys deposited in the remediation fund for specific purposes, financial assistance and grants from the remediation fund shall be rendered for the following purposes and, on

an annual basis, obligated in the percentages as provided in this subsection. Upon a written joint determination by the authority and the department that it is in the public interest, financial assistance and grants dedicated for the purposes and in the percentages set forth in paragraph (1), (2), or (3) of this subsection, may, for any particular year, be obligated to other purposes set forth in this subsection. The written determination shall be sent to the Senate Environment Committee, and the Assembly Energy and Hazardous Waste Committee, or their successors.

(1) At least 15% of the moneys shall be allocated for financial assistance to persons, other than governmental entities, for remediation of real property located in a qualifying municipality as defined in section 1 of P.L.1978, c.14 (C.52:27D-178);

(2) At least 10% of the moneys shall be allocated for financial assistance and grants to municipal governmental entities that own or hold a tax sale certificate on real property on which there has been or on which there is suspected of being a discharge of hazardous substances or hazardous wastes. Grants shall be used for performing preliminary assessments and site investigations on property owned by a municipal governmental entity, or on which the municipality holds a tax sale certificate, in order to determine the existence or extent of any hazardous substance or hazardous waste contamination on those properties. A municipal governmental entity that has performed a preliminary assessment and site investigation on property may obtain a loan for the purpose of continuing the remediation on those properties it owns as necessary to comply with the applicable remediation standards adopted by the department;

(3) At least 15% of the moneys shall be allocated for financial assistance to persons or municipal governmental entities for remediation activities at sites that have been contaminated by a discharge of a hazardous substance or hazardous waste, or at which there is an imminent and significant threat of a discharge of a hazardous substance or hazardous waste, and the discharge or threatened discharge poses or would pose an imminent and significant threat to a drinking water source, to human health, or to a sensitive or significant ecological area;

(4) At least 10% of the moneys shall be allocated for financial assistance to persons, other than municipal governmental entities, who voluntarily undertake the remediation of a hazardous substance or hazardous waste discharge, and who have not been ordered to undertake the remediation by the department or by a court;

(5) At least 20% of the moneys shall be allocated for financial assistance to persons, other than municipal governmental entities, who are required to perform remediation activities at an industrial establishment pursuant to P.L.1983, c.330 (C.13:1K-6 et al.), as a condition of the closure, transfer, or termination of operations at that industrial establishment;

(6) At least 20% of the moneys shall be allocated for grants to persons, other than municipal governmental entities, who own real property on which there has been a discharge of a hazardous substance or a hazardous waste and that person qualifies for an innocent party grant. A person qualifies for an innocent party grant if that person acquired the property prior to December 31, 1983, the hazardous substance or hazardous waste that was discharged at the property was not used by the person at that site, and that person certifies that he did not discharge any hazardous substance or hazardous waste at an area where a discharge is discovered. A grant authorized pursuant to this paragraph may be for up to 50% of the remediation costs at the area of concern for which the person qualifies for an innocent party grant, except that no grant awarded pursuant to this paragraph to any person may exceed $1,000,000; and

(7) Ten percent of the moneys in the remediation fund shall be allocated for financial assistance or grants for any of the purposes enumerated in paragraphs (1) through (6) of this subsection, except that where moneys in the fund are insufficient to fund all the applications in any calendar year that would otherwise qualify for financial assistance or a grant pursuant to this paragraph, the authority shall give priority to financial assistance applications that meet the criteria enumerated in paragraph (3) of this subsection.

b. Loans issued from the remediation fund shall be for a term not to exceed ten years, except that upon the transfer of ownership of any real property for which the loan was made, the unpaid balance of the loan shall become immediately payable in full. Loans shall bear an interest rate equal to the Federal Discount Rate at the time of approval or at the time of the loan closing, whichever is lower, except that the rate shall be no lower than five percent. Financial assistance and grants may be issued for up to 100% of the estimated applicable remediation cost, except that the cumulative maximum amount of financial assistance which may be issued to a person other than a governmental entity in any calendar year, for one or more properties, shall be $1,000,000. Financial assistance and grants to any one municipal governmental entity may not exceed $2,000,000 in any calendar year.

Repayments of principal and interest on the loans issued from the remediation fund shall be paid to the authority and shall be deposited into the remediation fund.

c. No person, other than a municipal governmental entity, or a person engaging in a voluntary remediation, shall be eligible for financial assistance from the remediation fund to the extent that person is capable of establishing a remediation funding source for the remediation as required pursuant to section 25 of P.L.1993, c.139 (C.58:10B-3).

d. The authority may use a sum that represents up to 2% of the moneys issued as financial assistance or grants from the remediation fund each year for administrative expenses incurred in connection with the operation of the fund and the issuance of financial assistance and grants.

e. Prior to March 1 of each year, the authority shall submit to the Senate Environment Committee and the Assembly Energy and Hazardous Waste Committee, or their successors, a report detailing the amount of money that was available for financial assistance and grants from the remediation fund for the previous calendar year, the amount of money estimated to be available for financial assistance and grants for the current calendar year, the amount of financial assistance and grants issued for the previous calendar year and the category for which each financial assistance and grant was rendered, and any suggestions for legislative action the authority deems advisable to further the legislative intent to facilitate remediation and promote the redevelopment and use of existing industrial sites.

C.58:10B-7 Awarding of financial assistance, grants, priorities.

29. a. A qualified applicant for financial assistance or a grant from the remediation fund shall be awarded financial assistance or a grant by the authority upon the availability of sufficient moneys in the remediation fund for the purpose of the financial assistance or grant. Priority for awarding financial assistance and grants from the remediation fund shall be based upon the date of receipt by the authority of a complete application from the applicant. If an application is determined to be incomplete by the authority, an applicant shall have 30 days from receipt of written notice of incompleteness to file any additional information as may be required by the authority for a completed application. If an applicant fails to file the additional information within those 30 days, the filing date for that application shall be the date that the additional information is received by the authority. An appli-

cation shall be deemed complete when all the information required by the authority has been received in the required form.

b. Within 90 days, for a private entity, or 180 days for a municipal governmental entity, of notice of approval of a financial assistance or grant application, an applicant shall submit to the authority an executed contract for the remediation activities for which the financial assistance or grant application was made. The contract shall be consistent with the terms and conditions for which the financial assistance or grant was rendered. Failure to submit an executed contract within the time provided, without good cause, shall constitute grounds for the alteration of an applicant's priority ranking for the awarding of financial assistance or a grant.

C.58:10B-8 Financial assistance, grant recipients compliance, conditions.

30. a. The authority shall, by rule or regulation:

(1) require a financial assistance or grant recipient to provide to the authority, as necessary or upon request, evidence that financial assistance or grant moneys are being spent for the purposes for which the financial assistance or grant was made, and that the applicant is adhering to all of the terms and conditions of the financial assistance or grant agreement;

(2) require the financial assistance or grant recipient to provide access at reasonable times to the subject property to determine compliance with the terms and conditions of the financial assistance or grant;

(3) establish a priority system for rendering financial assistance or grants for remediations identified by the department as involving an imminent and significant threat to a public water source, human health, or to a sensitive or significant ecological area pursuant to paragraph (7) of subsection a. of section 28 of P.L.1993, c.139 (C.58:10B-6);

(4) provide that payment of a grant shall be conditioned upon the subrogation to the department of all rights of the recipient to recover remediation costs from the discharger or other responsible party. All moneys collected in a cost recovery subrogation action shall be deposited into the remediation fund;

(5) provide that an applicant for financial assistance or a grant pay a reasonable fee for the application which shall be used by the authority for the administration of the loan and grant program;

(6) provide that where financial assistance to a person other than a municipal governmental entity, is for a portion of the remediation cost, that the proceeds thereof not be disbursed to the applicant until the costs of the remediation for which a remediation funding source has been established has been expended;

(7) adopt such other requirements as the authority shall deem necessary or appropriate in carrying out the purposes for which the Hazardous Discharge Site Remediation Fund was created.

b. An applicant for financial assistance or a grant shall be required to:

(1) provide proof, as determined sufficient by the authority, that the applicant, where applicable, cannot establish a remediation funding source for all or part of the remediation costs, as required by section 25 of P.L.1993, c.139 (C.58:10B-3). The provisions of this paragraph do not apply to grants to innocent persons or to financial assistance or grants to municipal governmental entities; and

(2) demonstrate the ability to repay the amount of the financial assistance and interest, and, if necessary, to provide adequate collateral to secure the financial assistance amount.

c. Information submitted as part of a loan or grant application or agreement shall be deemed a public record subject to the provisions of P.L.1963, c.73 (C.47:1A-1 et seq.).

d. In establishing requirements for financial assistance or grant applications and financial assistance or grant agreements, the authority:

(1) shall minimize the complexity and costs to applicants or recipients of complying with such requirements;

(2) may not require financial assistance or grant conditions that interfere with the everyday normal operations of the recipient's business activities, except to the extent necessary to ensure the recipient's ability to repay the financial assistance and to preserve the value of the loan collateral; and

(3) shall expeditiously process all financial assistance or grant applications in accordance with a schedule established by the authority for the review and the taking of final action on the application, which schedule shall reflect the degree of complexity of a financial assistance or grant application.

C.58:10B-9 Violators of environmental law may not receive financial assistance, grant.

31. No financial assistance or grant from the remediation fund shall be rendered to a person who is currently in violation of an administrative or judicial order, judgment, or consent agreement regarding violation or threatened violation of an environmental law regarding the subject property, unless the violation, fee, penalty or assessment is currently being contested by the person in a manner

prescribed by law or unless the violation resulted from a lack of sufficient money to perform required remediation activities.

C.58:10B-10 Legal responsibility of applicant for compliance.

32. a. The lack of sufficient moneys in the remediation fund to satisfy all financial assistance or grant applications shall not affect in any way an applicant's legal responsibility to comply with the requirements of P.L.1983, c.330 (C.13:1K-6 et al.), P.L.1976, c.141 (C.58:10-23.11 et seq.), or any other applicable provision of law.

b. Nothing in sections 23 through 43 of P.L.1993, c.139 (C.58:10B-1 et seq.) shall be construed to:

(1) impose any obligation on the State for any financial assistance or grant commitments rendered by the authority, and the authority's obligations shall be limited to the amount of otherwise unobligated moneys available in the fund therefor; or

(2) impose any obligation on the authority for the quality of any work performed pursuant to a remediation undertaken with financial assistance or a grant rendered pursuant to section 28 of P.L.1993, c.139 (C.58:10B-6).

C.58:10B-11 Remediation funding source surcharge.

33. a. There is imposed upon every person who is required to establish a remediation funding source pursuant to section 25 of P.L.1993, c.139 (C.58:10B-3) a remediation funding source surcharge. The remediation funding source surcharge shall be in an amount equal to 1% of the required amount of the remediation funding source required by the department to be maintained. No surcharge, however, may be imposed upon (1) that amount of the remediation funding source that is met by a self-guarantee as provided in subsection f. of section 25 of P.L.1993, c.139 (C.58:10B-3), (2) that amount of the remediation funding source that is met by financial assistance or a grant from the remediation fund, (3) any person who voluntarily undertakes a remediation without being so ordered or directed by the department or by a court or pursuant to an administrative consent order, or (4) any person who entered voluntarily into a memorandum of understanding with the department to remediate real property, as long as that person continues the remediation in a reasonable manner, or as required by law, even if subsequent to initiation of the memorandum of understanding, the person received an order by the department or entered into an administrative consent order to perform the remediation. The surcharge shall be based on the cost of remediation work remaining to be completed and shall be paid on

an annual basis as long as the remediation continues and until the Department of Environmental Protection and Energy issues a no further action letter for the property subject to the remediation. The remediation funding source surcharge shall be due and payable within 14 days of the time of the department's approval of a remedial action workplan or signing an administrative consent order or as otherwise provided by law. The department shall collect the surcharge and shall remit all moneys collected to the Economic Development Authority for deposit into the Hazardous Discharge Site Remediation Fund.

b. By February 1 of each year, the department shall issue a report to the Senate Environment Committee and to the Assembly Energy and Hazardous Waste Committee, or their successors, listing, for the prior calendar year, each person who owed the remediation funding source surcharge, the amount of the surcharge paid, and the total amount collected.

34. a. There is appropriated from the "Hazardous Discharge Fund of 1986," created pursuant to the "Hazardous Discharge Bond Act of 1986," P.L.1986, c.113, the sum of $45,000,000 to the New Jersey Economic Development Authority for deposit into the Hazardous Discharge Site Remediation Fund, created pursuant to section 26 of P.L.1993, c.139 (C.58:10B-4) for the purposes of issuing financial assistance and grants for the investigation of property suspected of being contaminated by a hazardous substance or hazardous waste or for the remediation of property contaminated by a hazardous substance or hazardous waste.

b. There is appropriated from the "Hazardous Discharge Fund of 1986," created pursuant to the "Hazardous Discharge Bond Act of 1986," P.L.1986, c.113, the sum of $5,000,000 to the Department of Environmental Protection and Energy for deposit into the Remediation Guarantee Fund, created pursuant to section 45 of P.L.1993, c.139 (C.58:10B-20), for the purposes of that fund.

C.58:10B-12 Adoption of minimum remediation standards.

35. a. The Department of Environmental Protection and Energy shall adopt minimum remediation standards for soil, groundwater, and surface water quality necessary for the remediation of contamination of real property. The remediation standards shall be developed to ensure that the potential for harm to public health and safety and to the environment is minimized to acceptable levels, taking into consideration the location, the surroundings, the

intended use of the property, the potential exposure to the discharge, and the surrounding ambient conditions, whether naturally occurring or man-made.

Until the minimum remediation standards for the protection of public health and safety as described herein are adopted, the department shall apply public health and safety remediation standards for contamination at a site on a case-by-case basis based upon the considerations and criteria enumerated in this section.

The department shall not propose or adopt remediation standards protective of the environment pursuant to this section, except standards for groundwater or surface water, until recommendations are made by the Environment Advisory Task Force created pursuant to section 37 of P.L.1993, c.139. Until the Environment Advisory Task Force issues its recommendations and the department adopts remediation standards protective of the environment as required by this section, the department shall continue to determine the need for and the application of remediation standards protective of the environment on a case-by-case basis in accordance with the guidance and regulations of the United States Environmental Protection Agency pursuant to the "Comprehensive Environmental Response, Compensation and Liability Act of 1980," 42 U.S.C. §9601 et seq. and other statutory authorities as applicable.

b. In developing minimum remediation standards the department shall:

(1) base the standards on generally accepted and peer reviewed scientific evidence or methodologies;

(2) base the standards upon reasonable assumptions of exposure scenarios as to amounts of contaminants to which humans or other receptors will be exposed, when and where those exposures will occur, and the amount of that exposure;

(3) avoid the use of redundant conservative assumptions. The department shall avoid the use of redundant conservative assumptions by the use of parameters that provide an adequate margin of safety and which avoid the use of unrealistic conservative exposure parameters and which guidelines make use of the guidance and regulations for exposure assessment developed by the United States Environmental Protection Agency pursuant to the "Comprehensive Environmental Response, Compensation, and Liability Act of 1980," 42 U.S.C. §9601 et seq. and other statutory authorities as applicable; and

(4) where feasible, establish the remediation standards as numeric or narrative standards setting forth acceptable levels or concentrations for particular contaminants.

c. (1) The department shall develop residential and nonresidential soil remediation standards that are protective of public health and safety. For contaminants that are mobile and transportable to groundwater, the residential and nonresidential soil remediation standards shall be protective of groundwater and surface water. Residential soil remediation standards shall be set at levels or concentrations of contamination for real property based upon the use of that property for residential or similar uses and which will allow the unrestricted use of that property without exceeding a health risk level greater than that provided in subsection d. of this section. Nonresidential soil remediation standards shall be set at levels or concentrations of contaminants that recognize the lower likelihood of exposure to contamination on property that will not be used for residential or similar uses. Whenever real property is remediated to a nonresidential soil remediation standard, except as otherwise provided in paragraph (3) of subsection g. of this section, the department shall require, pursuant to section 36 of P.L.1993, c.139 (C.58:10B-13), that the use of the property be restricted to nonresidential or other uses compatible with the extent of the contamination of the soil and that access to that site be restricted in a manner compatible with the allowable use of that property.

(2) The department may develop differential remediation standards for surface water or groundwater that take into account the current, planned, or potential use of that water in accordance with the "Clean Water Act" (33 U.S.C. §1251 et seq.) and the "Water Pollution Control Act," P.L.1977, c.74 (C.58:10A-1 et seq.).

d. In developing minimum remediation standards intended to be protective of public health and safety, the department shall identify the hazards posed by a contaminant to determine whether exposure to that contaminant can cause an increase in the incidence of an adverse health effect and whether the adverse health effect may occur in humans. The department shall set minimum soil remediation standards for both residential and nonresidential uses that:

(1) for human carcinogens, as categorized by the United States Environmental Protection Agency, will result in an additional cancer risk of one in one million;

(2) for noncarcinogens, will limit the Hazard Index for any given effect to a value not exceeding one.

The health risk levels established in this subsection are for any particular contaminant and not for the cumulative effects of more than one contaminant at a site.

e. Remediation standards and other requirements established pursuant to this section shall apply to remediation activities required pursuant to the "Spill Compensation and Control Act," P.L.1976, c.141 (C.58:10-23.11 et seq.), the "Water Pollution Control Act," P.L.1977, c.74 (C.58:10A-1 et seq.), P.L.1986, c.102 (C.58:10A-21 et seq.), the "Industrial Site Recovery Act," P.L.1983, c.330 (C.13:1K-6 et al.), the "Solid Waste Management Act," P.L.1970, c.39 (C.13:1E-1 et seq.), the "Comprehensive Regulated Medical Waste Management Act," P.L.1989, c.34 (C.13:1E-48.1 et seq.), the "Major Hazardous Waste Facilities Siting Act," P.L.1981, c.279 (C.13:1E-49 et seq.), the "Sanitary Landfill Facility Closure and Contingency Fund Act," P.L.1981, c.306 (C.13:1E-100 et seq.), the "Regional Low-Level Radioactive Waste Disposal Facility Siting Act," P.L.1987, c.333 (C.13:1E-177 et seq.), or any other law or regulation by which the State may compel a person to perform remediation activities on contaminated property. However, nothing in this subsection shall be construed to limit the authority of the department to establish discharge limits for pollutants or to prescribe penalties for violations of those limits pursuant to P.L.1977, c.74 (C.58:10A-1 et seq.), or to require the complete removal of nonhazardous solid waste pursuant to law.

f. (1) A person performing a remediation of contaminated real property, in lieu of using the established minimum soil remediation standard for either residential use or nonresidential use adopted by the department pursuant to subsection c. of this section, may submit to the department a request to use an alternative residential use or nonresidential use soil remediation standard. The use of an alternative soil remediation standard shall be based upon site specific factors which may include (1) physical site characteristics which may vary from those used by the department in the development of the soil remediation standards adopted pursuant to this section; or (2) a site specific risk assessment. If a person performing a remediation requests to use an alternative soil remediation standard based upon a site specific risk assessment, that person shall demonstrate to the department that the requested deviation from the risk assessment protocol used by the department in the development of soil remediation standards pursuant to this section is consistent with the guidance and regulations for exposure assessment developed by the United

States Environmental Protection Agency pursuant to the "Comprehensive Environmental Response, Compensation, and Liability Act of 1980," 42 U.S.C. §9601 et seq. and other statutory authorities as applicable. A site specific risk assessment may consider exposure scenarios and assumptions that take into account the form of the contaminant present, natural biodegradation, fate and transport of the contaminant, and available toxicological data that are based upon generally accepted and peer reviewed scientific evidence or methodologies.

Upon a determination by the department that the requested alternative remediation standard is protective of public health and safety, as established in subsection d. of this section, and protective of the environment pursuant to subsection a. of this section, the alternative residential use or nonresidential use soil remediation standard shall be approved by the department.

(2) The department may, upon its own initiative, require an alternative remediation standard for a particular contaminant for a specific real property site, in lieu of using the established minimum residential use or nonresidential use soil remediation standard adopted by the department for a particular contaminant pursuant to this section. The department may require an alternative remediation standard pursuant to this paragraph upon a determination by the department, based on the weight of the scientific evidence, that due to specific physical site characteristics of the subject real property, the use of the adopted residential use or nonresidential use soil remediation standards would not be protective of public health or safety or of the environment, as appropriate.

g. The development, selection, and implementation of any remediation standard or remedial action shall ensure that it is protective of public health, safety, and the environment, as applicable, as provided in this section. In determining the appropriate remedial action that shall occur at a site in order to meet the established remediation standards, the department, or any person performing the remediation, shall base its decision on the following factors:

(1) Permanent and nonpermanent remedies shall be allowed except that permanent remedies shall be preferred over nonpermanent remedies for remedial actions;

(2) Contamination may, upon the department's approval, be left onsite at levels or concentrations that exceed the minimum soil remediation standards for residential use or nonresidential use if the implementation of institutional or engineering controls at that site will result in the protection of public health, safety and the

environment at the risk level established in subsection d. of this section and if the requirements established in subsections a., b., c. and d. of section 36 of P.L.1993, c.139 (C.58:10B-13) are met;

(3) Real property on which there is soil that has not been remediated to the residential soil remediation standards, or real property on which the soil, groundwater, or surface water has been remediated to meet the required health risk level by the use of engineering or institutional controls, may be developed or used for residential purposes, or for any other similar purpose, if (a) all areas of that real property at which a person may come into contact with soil are remediated to meet the residential soil remediation standards and (b) it is clearly demonstrated that for all areas of the real property, other than those described in subparagraph (a) above, engineering and institutional controls can be implemented and maintained on the real property sufficient to meet the health risk level as established in subsection d. of this section;

(4) Remediation shall not be required beyond the regional natural background levels for any particular contaminant. The department shall develop regulations that set forth a process to identify background levels of contaminants for a particular region. For the purpose of this paragraph "regional natural background levels" means the concentration of a contaminant consistently present in the environment of the region of the site and which has not been influenced by localized human activities;

(5) Remediation shall not be required of the owner or operator of real property for contamination coming onto the site from another property owned and operated by another person, unless the owner or operator is in any way responsible for the discharge;

(6) Groundwater that is contaminated shall not be required to be remediated to a level or concentration for any particular contaminant lower than the level or concentration that is migrating onto the property from another property owned and operated by another person;

(7) The technical performance, effectiveness and reliability of the proposed remedial action in attaining and maintaining compliance with applicable remediation standards and required health risk levels. In reviewing a proposed remedial action, the department shall also consider the ability of the owner or operator to implement the proposed remedial action within a reasonable time frame without jeopardizing public health, safety or the environment;

(8) In the case of a proposed remedial action that will not meet the established minimum residential use soil remediation standards, the cost of all available permanent remedies is

unreasonable, as determined by department rules designed to provide a cost-based preference for the use of permanent remedies. The department shall adopt regulations, no later than 18 months after the effective date of this act, establishing criteria and procedures for allowing a person to demonstrate that the cost of all available permanent remedies is unreasonable. Until the department adopts those regulations, it shall not require a person performing a remedial action to implement a permanent remedy, unless the cost of implementing a nonpermanent remedy is 50 percent or more than the cost of implementing a permanent remedy; provided, however, that the preceding provision shall not apply to any owner or operator of an industrial establishment who is implementing a remedial action pursuant to subsection i. of section 4 of P.L.1983, c.330;

(9) The use of the established nonresidential soil remediation standard shall not be unreasonably disapproved by the department.

The department may require the person performing the remediation to supply the information required pursuant to this subsection as is necessary for the department to make a determination.

h. (1) The department shall adopt regulations which establish a procedure for a person to demonstrate that a particular parcel of land contains large quantities of historical fill material. Upon a determination by the department that large quantities of historic fill material exist on that parcel of land, there is a rebuttable presumption that the department shall not require any person to remove or treat the fill material in order to comply with a remediation standard. In these areas the department shall establish by regulation the requirement for engineering or institutional controls that are designed to prevent exposure of these contaminants to humans, that allow for the continued use of the property, that are less costly than removal or treatment, which maintain the health risk levels as established in subsection d. of this section, and, as applicable, are protective of the environment. The department may rebut the presumption only upon a finding by the preponderance of the evidence that the use of engineering or institutional controls would not be effective in protecting public health, safety, and the environment. For the purposes of this paragraph "historic fill material" means generally large volumes of non-indigenous material, used to raise the topographic elevation of a site, which were contaminated prior to emplacement and are in no way connected with the operations at the location of emplacement and which include, but are not limited to, construction debris, dredge spoils, incinerator residue, demolition debris, fly ash, and non-hazardous solid waste. Historic fill material shall not include any material which is substantially chromate chemical production waste or any other chemical production waste or waste from processing of metal or mineral ores, residues, slags or tailings.

(2) The department shall develop recommendations for remedial actions in large areas of historic industrial contamination. These recommendations shall be designed to meet the health risk levels established in subsection d. of this section, and to be protective of the environment and shall take into account the industrial history of these sites, the extent of the contamination that may exist, the costs of remedial actions, the economic impacts of these policies, and the anticipated uses of these properties. The department, within one year of the enactment of this act, shall issue a report to the Senate Environment Committee and to the Assembly Energy and Hazardous Waste Committee, or their successors, explaining these recommendations and making any recommendations for legislative or regulatory action.

(3) The department may not, as a condition of allowing the use of a nonresidential use soil remediation standard, or the use of institutional or engineering controls, require the owner of that real property, except as provided in section 36 of P.L.1993, c.139 (C.58:10B-13), to restrict the use of that property through the filing of a deed easement, covenant, or condition.

i. The department may not require a remedial action workplan to be prepared or implemented or engineering or institutional controls to be imposed upon any real property unless sampling performed at that real property demonstrates the existence of contamination above the applicable remediation standards.

j. Upon the approval by the department of a remedial action workplan, or similar plan that describes the extent of contamination at a site and the remedial action to be implemented to address that contamination, the department may not subsequently require a change to that workplan or similar plan in order to compel a different remediation standard due to the fact that the established remediation standards have changed; however, the department may compel a different remediation standard if the difference between the new remediation standard and the remediation standard approved in the workplan or other plan differs by an order of magnitude. The limitation to the department's authority to change a workplan or similar plan pursuant to this subsection shall only apply if the workplan or similar plan is being implemented in a reasonable timeframe, as may be indicated in the approved remedial action workplan or similar plan.

k. Notwithstanding any other provisions of this section, all remediation standards and remedial actions that involve real property located in the Pinelands area shall be consistent with the provisions of the "Pinelands Protection Act," P.L.1979, c.111 (C.13:18A-1 et seq.), any rules and regulations promulgated pursuant thereto, and with section 502 of the National Parks and Recreation Act of 1978, 16 U.S.C. §4711.

l. Upon the adoption of a remediation standard for a particular contaminant in soil, groundwater, or surface water pursuant to this section, the department may amend that remediation standard only upon a finding that a new standard is necessary to maintain the health risk levels established in subsection d. of section 35 of P.L.1993, c.139 (C.58:10B-12) or to protect the environment, as applicable. The department may not amend a public health based soil remediation standard to a level that would result in a health risk level more protective than that provided for in subsection d. of section 35 of P.L.1993, c.139 (C.58:10B-12).

m. Nothing in P.L.1993, c.139 shall be construed to restrict or in any way diminish the public participation which is otherwise provided under the provisions of the "Spill Compensation and Control Act," P.L.1976, c.141 (C.58:10-23.11 et seq.).

C.58:10B-13 Use of nonresidential standards or other controls, requirements.

36. a. When real property is remediated to a nonresidential soil remediation standard or engineering or institutional controls are used in lieu of remediating a site to meet an established remediation standard for soil, groundwater, or surface water, the department shall, as a condition of the use of that standard or control measure:

(1) require the establishment of any engineering or institutional controls the department determines are reasonably necessary to prevent exposure to the contaminants, require maintenance, as necessary, of those controls, and require the restriction of the use of the property in a manner that prevents exposure;

(2) require, with the consent of the owner of the real property, the recording with the office of the county recording officer, in the county in which the property is located, a notice to inform prospective holders of an interest in the property that contamination exists on the property at a level that may statutorily restrict certain uses of or access to all or part of that property, a delineation of those restrictions, a description of all specific engineering

or institutional controls at the property that exist and that shall be maintained in order to prevent exposure to contaminants remaining on the property, and the written consent to the notice by the owner of the property;

(3) require a notice to the governing body of each municipality in which the property is located that contaminants will exist at the property above residential use soil remediation standards or any other remediation standards and specifying the restrictions on the use of or access to all or part of that property and of the specific engineering or institutional controls at the property that exist and that shall be maintained;

(4) require, when determined necessary by the department, that signs be posted at any location at the site where access is restricted or in those areas that must be maintained in a prescribed manner, to inform persons on the property that there are restrictions on the use of that property or restrictions on access to any part of the site;

(5) require that a list of the restrictions be kept on site for inspection by governmental enforcement officials; and

(6) require a person, prior to commencing a remedial action, to notify the governing body of each municipality wherein the property being remediated is located. The notice shall include, but not be limited to, the commencement date for the remedial action; the name, mailing address and business telephone number of the person implementing the remedial action, or his designated representative; and a brief description of the remedial action.

b. If the owner of the real property does not consent to the recording of a notice pursuant to paragraph (2) of subsection a. of this section, the department shall require the use of a residential soil remediation standard in the remediation of that real property.

c. Whenever engineering or institutional controls on property as provided in subsection a. of this section are no longer required, or whenever the engineering or institutional controls are changed because of the performance of subsequent remedial activities, a change in conditions at the site, or the adoption of revised remediation standards, the department shall require that the owner or operator of that property record with the office of the county recording officer a notice that the use of the property is no longer restricted or delineating the new restrictions. The department shall also require that the owner or operator notify, in writing, the municipality in which the property is located of the removal or change of the restrictive use conditions.

d. The owner or lessee of any real property, or any person operating a business on real property, which has been remediated to a nonresidential use soil remediation standard or on which the department has allowed engineering or institutional controls for soil, groundwater, or surface water to protect the public health, safety, or the environment, as applicable, shall maintain the engineering or institutional controls as required by the department. An owner, lessee, or operator who takes any action that results in the improper alteration or removal of engineering or institutional controls or who fails to maintain the engineering or institutional controls as required by the department, shall be subject to the penalties and actions set forth in section 22 of P.L.1976, c.141 (C.58:10-23.11u). The provisions of this subsection shall not apply if a notification received pursuant to subsection b. of this section authorizes all restrictions or controls to be removed from the subject property.

e. Notwithstanding the provisions of any other law, or any rule, regulation, or order adopted pursuant thereto to the contrary, whenever contamination at a property is remediated in compliance with any soil, groundwater, or surface water remediation standards that were in effect at the completion of the remediation, the owner or operator of the property or person performing the remediation, except as otherwise provided in this section, shall not be liable for the cost of any additional remediation that may be required by a subsequent adoption by the department of a more stringent remediation standard for a particular contaminant. Upon the adoption of a regulation that amends a remediation standard, only a person who is liable to clean up and remove that contamination pursuant to section 8 of P.L.1976, c.141 (C.58:10-23.11g) shall be liable for any additional remediation costs necessary to bring the site into compliance with the new remediation standards except that no person shall be so liable unless the difference between the new remediation standard and the level or concentration of a contaminant at the property differs by an order of magnitude.

Nothing in the provisions of this subsection shall be construed to affect the authority of the department, pursuant to subsection f. of this section, to require additional remediation on real property where engineering or institutional controls were implemented.

Nothing in the provisions of this subsection shall limit the rights of a person, other than the State, or any department or agency thereof, to bring a civil action for damages, contribution, or indemnification as provided by statutory or common law.

f. Whenever the department approves or has approved the use of engineering or institutional controls for the remediation of soil, groundwater, or surface water, to protect public health, safety or the environment in lieu of remediating a site to a condition that meets an established residential remediation standard, the department shall not require additional remediation of that site unless the engineering or institutional controls no longer are protective of public health, safety, or the environment.

37. a. There is established, in but not of the Department of Environmental Protection and Energy, an Environment Advisory Task Force. The task force shall consist of 15 members as follows: (1) the Commissioner of Environmental Protection and Energy, or his designee; (2) one representative from the National Academy of Sciences who shall be selected by the Academy; (3) one representative from the New Jersey Environmental and Occupational Health Sciences Institute who has experience in risk assessment, who shall be selected by the Institute; (4) one representative each from the industrial real estate development industry, the environmental consulting profession, a public interest environmental organization, and the legal community, who shall be appointed by the Governor with the advice and consent of the Senate; (5) four members who shall have at least a master's degree in a relevant science discipline and who shall, to the greatest extent possible, include a plant or animal biologist, a toxicologist, an ornithologist, and a physiologist, who shall be appointed by the Governor with the advice and consent of the Senate; (6) two members who shall have at least a master's degree in a science discipline, have relevant experience, and be employed by an industrial business, who shall be appointed by the President of the Senate; and (7) two members who shall have at least a master's degree in a science discipline, have relevant experience, and be employed by an industrial business, who shall be appointed by the Speaker of the General Assembly.

b. The Environment Advisory Task Force shall meet as soon as practicable after the appointment and qualification of all its members. The Commissioner of Environmental Protection and Energy, or the commissioner's designee, shall be the chairperson of the Environment Advisory Task Force. The Environment Advisory Task Force shall meet at the call of its chairperson and in the locations the chairperson shall choose.

c. The Environment Advisory Task Force shall, within two years after its first meeting, make recommendations to the department on the feasibility, development, and application of remediation standards protective of the environment. A copy of the recommendations shall be submitted to the Senate Environment Committee and to the Assembly Energy and Hazardous Waste Committee, or to their successors.

d. The Environment Advisory Task Force shall:

(1) review the scientific literature to identify existing sources of information and data necessary for the development of remediation standards protective of the environment and to determine the current state-of-the-science in the identification of adverse impacts of contamination on ecological receptors and the establishment of contaminant concentration levels necessary to protect the environment;

(2) review scientific literature on the methods, procedures, data input needs, limitations, interpretation, and uses of environment risk assessments;

(3) collect information on public and private activities concerning the development and uses of environment risk assessments and remediation standards protective of the environment;

(4) evaluate the ecological components which should be protected through the application of remediation standards protective of the environment;

(5) identify public policy issues involved in the development of remediation standards protective of the environment;

(6) suggest an approach and methodology for the development of remediation standards protective of the environment;

(7) evaluate the social, economic and environmental impacts of regulations which would incorporate state-of-the-art environment risk assessment methodologies;

(8) recommend necessary changes in statutes and regulations necessary to implement the advice of the Environment Advisory Task Force; and

(9) review and make recommendations on any other aspect of the adoption of these remediation standards the task force determines is necessary for a complete evaluation of these issues.

e. Prior to the submittal of its recommendations to the department, the Environment Advisory Task Force shall release a proposed recommendation to the public. The Environment Advisory Task Force shall hold at least one public meeting at least 14 days after public release of its proposed recommendations. Members of the public shall be allowed to present written and oral comments on the proposed recommendations at the public meeting. The task force is not required to record, consider, or comment upon the public comments. Upon submittal of its final recommendations to the department concerning the adoption of remediation standards protective of the environment, the Environment Advisory Task Force shall expire.

C.58:10B-14 Development of guidance document.

38. Within 12 months of the effective date of this act, the department shall develop a guidance document for the remediation of contaminated soils. The guidance document shall include a description of remedial actions the department determines are effective in remediating soil contamination to the residential or nonresidential use soil remediation standards and that should be considered by a person performing a soil remediation. The department shall revise the guidance document periodically as it determines necessary. Adoption of the guidance document, or the revisions thereto, shall be published in the New Jersey Register but the adoption of the guidance document, or the revisions thereto, shall not otherwise be subject to the notice, comment, publication, or other requirements of the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.).

C.58:10B-15 Responsibility for prior discharges, exemptions; penalties.

39. a. Any person who, before the effective date of P.L.1993, c.139 (C.13:1K-9.6 et al.), has discharged a hazardous substance in violation of P.L.1976, c.141, and:

(1) has not been issued a directive to remove or arrange for the removal of the discharge pursuant to section 7 of P.L.1976, c.141 (C.58:10-23.11f);

(2) has not been assessed a civil penalty, a civil administrative penalty, or is not the subject of an action pursuant to the provisions of section 22 of P.L.1976, c.141 (C.58:10-23.11u);

(3) has not entered into an administrative consent order to clean up and remove the discharge; and

(4) has not been ordered by a court to clean up and remove the discharge, shall not be subject to a monetary penalty for the failure to report the discharge or for any civil violation of P.L.1976, c.141 (C.58:10-23.11 et seq.) or P.L.1977, c.74 (C.58:10A-1 et seq.) that resulted in the discharge if the person notifies the department of the discharge and enters into an administrative consent order or a memorandum of agreement with the department to remediate the discharge in accordance with the provisions of P.L.1976, c.141 (C.58:10-23.11 et seq.), or any rules or regulations adopted pursuant thereto, within one year of the effective

date of P.L.1993, c.139 (C.13:1K-9.6 et al.). Any person who notifies the department of the discharge pursuant to this section shall be liable for all cleanup and removal costs as provided in section 8 of P.L.1976, c.141 (C.58:10-23.11g).

b. Notwithstanding the provisions of subsection a. of this subsection, any person who enters into a memorandum of agreement or administrative consent order pursuant to this section and fails to remediate the discharge in accordance with the memorandum of agreement or administrative consent order, shall be subject to all penalties for violations that occurred before the effective date of P.L.1993, c.139 (C.13:1K-9.6 et al.) as well as any penalties for subsequent violations.

c. The provisions of this section shall not apply to violations of a permit issued pursuant to P.L.1977, c.74 (C.58:10A-1 et seq.).

d. Any documents or information provided to the department pursuant to this section may not be used in a criminal investigation or criminal prosecution against the person providing the information or documents for those violations that occurred before the effective date of this act as long as the person remediates the discharge in conformance with the administrative consent order or memorandum of agreement entered into pursuant to subsection a. of this section.

C.58:10B-16 Access to property to conduct remediation.

40. a. (1) Any person who undertakes the remediation of suspected or actual contamination and who requires access to conduct such remediation on real or personal property that is not owned by that person, may enter upon the property to conduct the necessary remediation if there is an agreement, in writing, between the person conducting the remediation and the owner of the property authorizing the entry onto the property. If, after good faith efforts, the person undertaking the remediation and the property owner fail to reach an agreement concerning access to the property, the person undertaking the remediation shall seek an order from the Superior Court directing the property owner to grant reasonable access to the property and the court may proceed in the action in a summary manner.

(2) Such relief may include, singly or in combination:

(a) A temporary or permanent injunction;

(b) Assessment of the person undertaking the remediation for costs associated with any disruption in operations on the property;

(c) Assessment of the person undertaking the remediation for any costs to return the property to its condition before the commencement of the remediation;

(d) A requirement that the person undertaking the remediation indemnify the owner of the property for any damages, penalties or liabilities resulting from the remediation;

(e) A requirement that the person undertaking the remediation indemnify the owner of the property for any liability resulting from the entry of persons onto the property to perform the remediation.

b. The court shall promptly issue any access order sought pursuant to this section upon a showing that (1) a reasonable possibility exists that contamination from another site has migrated onto the owner's property, or (2) access to the property is reasonable and necessary to remediate contamination. The presence of an applicable department oversight document or a remediation obligation pursuant to law involving the property for which access is sought shall constitute prima facie evidence sufficient to support the issuance of an order.

Unless the court otherwise orders for notice and for good cause shown, an action for an access order shall not be joined with non-germane issues against the owner of the property for which access is sought or other person who may be liable for the contamination. Non-germane issues shall include, but not be limited to, issues concerning contribution, treble damages, or other damages involving either the contamination or the remediation.

The court may impose reasonable conditions as part of the access order, including without limitation, that the person undertaking the remediation take all reasonable measures to minimize the disruption to the property and the activities conducted there and return the property to its condition prior to the commencement of remediation.

c. The department may not impose or seek to impose any civil or civil administrative penalties upon any person for failure to perform a remediation on property not owned by that person within the time schedule required by regulation on property not owned by that person if (1) the failure to perform the remediation was the result of an inability of that person to enter upon real or personal property owned by another person, and (2) the person took all appropriate action pursuant to this section to obtain access to the property.

d. Nothing herein shall be construed as limiting the rights of the owner of the property against which the access order is issued to initiate a civil action to seek any damages available under law.

e. Nothing herein shall be construed as limiting the rights of the person conducting the remediation from initiating any subsequent civil action against the owner of the property upon which access was ordered.

C.58:10B-17 Review of department decision concerning remediation.

41. a. Any person conducting a remediation of a contaminated site may dispute a decision by the department concerning the remediation in accordance with the guidelines developed pursuant to subsection b. of this section. The disputed decision shall be reviewed, and a determination shall be made, by the next level of the department's management, and the review may continue, upon the request of the person seeking review, until the commissioner or his designee has issued a decision on the dispute. Each successive level of management review and the resulting determination on the dispute, shall occur within seven days of the department's receipt of the request for review.

b. Within 60 days of the effective date of P.L.1993, c.139, the department shall develop guidelines that establish a procedure through which a person conducting a remediation of a contaminated site may dispute a department decision concerning the remediation. Those guidelines shall include provisions for an expedited review procedure under which the commissioner, or his designee, shall issue a decision on the dispute within 21 calendar days of the date on which the request for that review was received.

C.58:10B-18 Preparation, distribution of informational materials.

42. The Division of Consumer Affairs in the Department of Law and Public Safety, in consultation with the Department of Environmental Protection and Energy, shall prepare, and the department shall distribute, for the cost of reproduction and postage, to any interested person, informational materials that set forth criteria that may be used to evaluate the qualifications of environmental consultants, environmental consulting firms, engineers, geologists or any other consultant, whose expertise or training may be required by a person to comply with the provisions of P.L.1986, c.102 (C.58:10A-21 et seq.), P.L.1983, c.330 (C.13:1K-6 et al.), P.L.1976, c.141 (C.58:10-23.11 et seq.), and P.L.1993, c.139 (C.13:1K-9.6 et al.) relating to the remediation of contaminated real property. The materials may describe the expertise or training necessary to address specific types of environmental cleanups, sites or contamination, the significance and availability of various types of professional liability insurance, issued by an entity licensed by the Department of Insurance to transact business in the State of New Jersey, the average cost of services and tests commonly performed by consultants, the significance of available accreditations or certifications, the ethics code applicable to any consultant, the references that may be requested and any other relevant factor that may be used to evaluate the qualifications and expertise of persons performing remediation services.

C.58:10B-19 Implementation of interim response action.

43. The owner or operator of an industrial establishment who has submitted a notice to the department pursuant to subsection a. of section 4 of P.L.1983, c.330 (C.13:1K-9), or any person who has discharged a hazardous substance or is liable for the remediation of that discharge pursuant to P.L.1976, c.141 (C.58:10-23.11 et seq.), or any person who has been directed to or has entered into an agreement with the department to remediate a discharge, may implement an interim response action prior to departmental approval of that action. The interim response action may be implemented when the expeditious temporary or partial remediation of a discharged hazardous substance or hazardous waste is necessary to contain or stabilize a discharge prior to implementation of an approved remedial action workplan in order to prevent, minimize, or mitigate damage to public health or safety or to the environment which may otherwise result from a discharge. The interim response action shall be implemented in compliance with the procedures and standards established by the department. The department may require submission of a notice of intent to implement an interim response action, what those actions will be, and may require, subsequent to completion of the interim response action, a report detailing the actions taken and a certification that the interim response action was implemented in accordance with all applicable laws and regulations. The department shall review these submissions to verify whether the interim response action was implemented in accordance with applicable laws and regulations. The department shall not require that additional remediation be undertaken at an area of concern subject to the interim response action except in instances when further remediation is necessary to bring that area of concern into compliance with the applicable remediation standards.

The department may, pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), adopt rules and regulations establishing a fee schedule, as necessary, reflecting the actual costs associated with the review of the interim response action and any implementation thereof.

44. Section 8 of P.L.1976, c.141 (C.58:10-23.11g) is amended to read as follows:

C.58:10-23.11g Liability for cleanup and removal costs.

8. a. The fund shall be strictly liable, without regard to fault, for all cleanup and removal costs and for all direct and indirect damages no matter by whom sustained, including but not limited to:

(1) The cost of restoring, repairing, or replacing any real or personal property damaged or destroyed by a discharge, any income lost from the time such property is damaged to the time such property is restored, repaired or replaced, and any reduction in value of such property caused by such discharge by comparison with its value prior thereto;

(2) The cost of restoration and replacement, where possible, of any natural resource damaged or destroyed by a discharge;

(3) Loss of income or impairment of earning capacity due to damage to real or personal property, including natural resources destroyed or damaged by a discharge; provided that such loss or impairment exceeds 10% of the amount which claimant derives, based upon income or business records, exclusive of other sources of income, from activities related to the particular real or personal property or natural resources damaged or destroyed by such discharge during the week, month or year for which the claim is filed;

(4) Loss of tax revenue by the State or local governments for a period of one year due to damage to real or personal property proximately resulting from a discharge;

(5) Interest on loans obtained or other obligations incurred by a claimant for the purpose of ameliorating the adverse effects of a discharge pending the payment of a claim in full as provided by this act.

b. The damages which may be recovered by the fund, without regard to fault, subject to the defenses enumerated in subsection d. of this section against the owner or operator of a major facility or vessel, shall not exceed $50,000,000.00 for each major facility or $150.00 per gross ton for each vessel, except that such maximum limitation shall not apply and the owner or operator shall be liable, jointly and severally, for the full amount of such damages if it can be shown that such discharge was the result of (1) gross negligence or willful misconduct, within the knowledge and privity of the owner, operator or person in charge, or (2) a gross or willful violation of applicable safety, construction or operating standards or regulations. Damages which may be recovered from, or by, any other person shall be limited to those authorized by common or statutory law.

c. (1) Any person who has discharged a hazardous substance, or is in any way responsible for any hazardous substance, shall be strictly liable, jointly and severally, without regard to fault, for all cleanup and removal costs no matter by whom incurred. Such person shall also be strictly liable, jointly and severally, without regard to fault, for all cleanup and removal costs incurred by the department or a local unit pursuant to subsection b. of section 7 of P.L.1976, c.141 (C.58:10-23.11f).

(2) In addition to the persons liable pursuant to paragraph (1) of this subsection, in the case of a discharge of a hazardous substance from a vessel into the waters of the State, the owner or operator of a refinery, storage, transfer, or pipeline facility to which the vessel was en route to deliver the hazardous substance who, by contract, agreement, or otherwise, was scheduled to assume ownership of the discharged hazardous substance, and any other person who was so scheduled to assume ownership of the discharged hazardous substance, shall be strictly liable, jointly and severally, without regard to fault, for all cleanup and removal costs if the owner or operator of the vessel did not have the evidence of financial responsibility required pursuant to section 2 of P.L.1991, c.58 (C.58:10-23.11g2).

Where a person is liable for cleanup and removal costs as provided in this paragraph, any expenditures made by the administrator for that cleanup and removal shall constitute a debt of that person to the fund. The debt shall constitute a lien on all property owned by that person when a notice of lien identifying the nature of the discharge and the amount of the cleanup, removal and related costs expended from the fund is duly filed with the clerk of the Superior Court. The clerk shall promptly enter upon the civil judgment or order docket the name and address of the liable person and the amount of the lien as set forth in the notice of lien. Upon entry by the clerk, the lien, to the amount committed by the administrator for cleanup and removal, shall attach to the revenues and all real and personal property of the liable person, whether or not that person is insolvent.

For the purpose of determining priority of this lien over all other claims or liens which are or have been filed against the property of an owner or operator of a refinery, storage, transfer, or pipeline facility, the lien on the facility to which the discharged hazardous substance was en route shall have priority over all other claims or liens which are or have been filed against the property. The notice of lien filed pursuant to this paragraph which affects any property of a person liable pursuant to this paragraph other than the property of an owner or operator of a refinery, storage, transfer, or pipeline facility to which the discharged hazardous substance was en route, shall have priority from the day of the filing of the notice of the lien over all claims and liens filed against the property, but shall not affect any valid lien, right, or interest in the property filed in accordance with established procedure prior to the filing of a notice of lien pursuant to this paragraph.

To the extent that a person liable pursuant to this paragraph is not otherwise liable pursuant to paragraph (1) of this subsection, or under any other provision of law or under common law, that person may bring an action for indemnification for costs paid pursuant to this paragraph against any other person who is strictly liable pursuant to paragraph (1) of this subsection.

Nothing in this paragraph shall be construed to extend or negate the right of any person to bring an action for contribution that may exist under P.L.1976, c.141, or any other act or under common law.

d. (1) In addition to those defenses provided in this subsection, an act or omission caused solely by war, sabotage, or God, or a combination thereof, shall be the only defenses which may be raised by any owner or operator of a major facility or vessel responsible for a discharge in any action arising under the provisions of this act.

(2) A person, including an owner or operator of a major facility, who owns real property acquired after the effective date of P.L.1993, c.139 (C.13:1K-9.6 et al.), on which there has been a discharge, shall be considered a person in any way responsible for the discharged hazardous substance pursuant to subsection c. of this section, unless that person can establish by a preponderance of the evidence that all of the following apply:

(a) the person acquired the real property after the discharge of that hazardous substance at the real property;

(b) (i) at the time the person acquired the real property, the person did not know and had no reason to know that any hazardous substance had been discharged at the real property, or (ii) the person acquired the real property by devise or succession, except that any other funds or property received by that person from the deceased real property owner who discharged a hazardous substance or was in any way responsible for a hazardous substance, shall be made available to satisfy the requirements of P.L.1976, c.141;

(c) the person did not discharge the hazardous substance and is not in any way responsible for the hazardous substance; and

(d) the person gave notice of the discharge to the department upon actual discovery of that discharge.

To establish that a person had no reason to know that any hazardous substance had been discharged for the purposes of this paragraph (2), the person must have undertaken, at the time of acquisition, all appropriate inquiry into the previous ownership and uses of the property. For the purposes of this paragraph (2), all appropriate inquiry shall mean the performance of a preliminary assessment, and site investigation (if the preliminary assessment indicates that a site investigation is necessary), as defined in section 23 of P.L.1993, c.139 (C.58:10B-1), and performed in accordance with rules and regulations promulgated by the department defining these terms.

Nothing in this paragraph (2) shall be construed to alter liability of any person who acquired real property prior to the effective date of P.L.1993, c.139 (C.13:1K-9.6 et al.).

(3) Notwithstanding the provisions of paragraph (2) of this subsection to the contrary, if a person who owns real property obtains actual knowledge of a discharge of a hazardous substance at the real property during the period of that person's ownership and subsequently transfers ownership of the property to another person without disclosing that knowledge, the transferor shall be strictly liable for the cleanup and removal costs of the discharge and no defense under this subsection shall be available to that person.

(4) Any federal, State, or local governmental entity which acquires ownership of real property through bankruptcy, tax delinquency, abandonment, escheat, eminent domain, condemnation or any circumstance in which the government involuntarily acquires title by virtue of its function as sovereign, shall not be liable for the cleanup and removal costs of any discharge which occurred or began prior to that ownership. This paragraph shall not apply to any federal, State or local governmental entity which has caused or contributed to the discharge of a hazardous substance.

C.58:10B-20 Remediation Guarantee Fund.

45. a. There is created in the Department of Environmental Protection and Energy a special, revolving fund to be known as the Remediation Guarantee Fund. The fund shall be credited with all moneys appropriated to it by law, all moneys collected in subrogation actions to recover moneys expended from the fund, and all moneys earned from the investment of the moneys in the fund.

b. The Commissioner of Environmental Protection and Energy shall appoint and supervise an administrator of the fund. The administrator shall be the chief executive of the fund, shall approve all disbursements of moneys from the fund, and shall ensure the proper deposit of all moneys authorized to be deposited into the fund.

c. Moneys in the fund shall be used by the Department of Environmental Protection and Energy to remediate, or contract for the remediation of, any real property for which a person was required to establish a remediation funding source pursuant to section 25 of P.L.1993, c.139 (C.58:10B-3) and where that person fails to conduct or properly conduct that remediation.

d. Any moneys expended by the department from the fund pursuant to this section shall constitute a debt of the person required to establish the remediation funding source and against the discharger. The debt shall constitute a lien on all property owned by the person required to establish the remediation funding source and against the discharger to the same extent and in the same manner as provided for liens in subsection f. of section 7 of P.L.1976, c.141 (C.58:10-23.11f).

e. Whenever the department expends moneys from the fund for a remediation, it shall have a cause of action to recover from the person required to establish the remediation funding source or from any other person liable for the discharge pursuant to section 8 of P.L.1976, c.141 (C.58:10-23.11g) triple the amount of moneys expended for the remediation.

f. Moneys in the fund may be appropriated to pay for the costs to administer the fund except that those appropriations may not exceed the amount of moneys deposited into the fund earned from the investment of moneys in the fund.

46. Section 7 of P.L.1993, c.112 (C.13:1K-11.1) is amended to read as follows:

C.13:1K-11.1 Obligations of trust, estate to remove discharge.

7. In the event of the closing, termination or transfer of an industrial establishment, which industrial establishment is all or part of a trust, receivership estate, guardianship estate or estate of a deceased person, only the assets of the trust or estate, or assets of any discharger other than the fiduciary of such trust or estate shall be subject to the obligation to remove the discharge as set forth in P.L.1983, c.330 (C.13:1K-6 et al.).

47. a. There is created a special Environmental Risk Assessment and Risk Management Study Commission. The commission shall consist of 10 members and shall include the Commissioner of Environmental Protection and Energy, or his designee, as a non-voting member, and eight members who shall have advanced degrees and relevant experience in any of the following disciplines: (1) environmental medicine, health, or epidemiology; (2) environmental toxicology; (3) soil science, geology, or hydrogeology, and (4) environmental engineering with experience in site remediation. The Governor shall appoint one representative from each of those disciplines; the Senate President shall appoint two representatives, provided, however, both of those appointees shall not be from the same discipline; and the Speaker of the General

Assembly shall appoint two representatives, provided, however, both of those appointees shall not be from the same discipline. A ninth member, who shall be a recognized expert in the field of risk assessment as it applies to contaminated sites or to the remediation of such sites, shall be jointly appointed by the Governor, Senate President, and the Speaker. The chairman of the commission shall be jointly appointed by the Governor, Senate President, and Speaker from among the appointed members. All members shall serve without compensation. Vacancies in the membership shall be filled in the same manner as the original appointments were made.

b. It shall be the duty of the commission:

(1) To examine and assess the scientific basis for selecting the risk management standard of one in one million for the purposes of P.L.1993, c.139 (C.13:1K-9.6 et al.) and to consider and assess alternative scientific standards and criteria for that purpose; and

(2) To examine and assess methodologies of risk assessment and their efficacy and applicability for the purposes of establishing remediation standards.

c. The commission shall organize as soon after the appointment of its members as is practicable.

d. The commission shall be entitled to call to its assistance and avail itself of the services of such employees of any State, county or municipal department, board, bureau, commission or agency as it may require and as may be available to it for its purposes, and to employ such stenographic and clerical assistants and incur such traveling and other miscellaneous expenses as it may deem necessary, in order to perform its duties, and as may be within the limits of funds appropriated or otherwise made available to it.

e. The commission may meet and hold hearings at such place or places as it shall designate. The commission shall hold at least one public hearing to accept written and oral testimony from the public prior to commencing its deliberations. The commission shall hold at least one other public hearing prior to formally submitting its findings and recommendations to the Governor and the Legislature. This public hearing, or hearings, as the case may be, shall be held at least 14 days after the commission has made public its proposed findings and recommendations. The public shall be permitted to present written and oral comments on the proposed findings and recommendations at that public hearing, or hearings, as the case may be. Thereafter, the commission shall report its findings and recommendations to the Governor and Legislature, along with any recommendations for legislative action, as follows:

(1) The report and recommendations concerning the scientific basis for selecting risk management standards shall be delivered no later than six months after the effective date of P.L.1993, c.139; and

(2) The report and recommendations concerning risk assessment methodologies and their efficacy and applicability for establishing remediation standards shall be delivered no later than one year after the effective date of P.L.1993, c.139.

f. The commission shall expire upon the issuance of its final report.

48. Within nine months of the enactment of P.L.1993, c.139, the Commissioner of the Department of Environmental Protection and Energy, in consultation with the Attorney General, shall issue a report to the Governor and the Legislature concerning the effectiveness and fairness of the imposition of strict, joint and several liability on persons who have discharged, or are in any way responsible for, a hazardous substance pursuant to P.L.1976, c.141 (C.58:10-23.11 et seq.). The report shall:

a. analyze methods to expedite the securing of funding for the remediation of hazardous discharge sites;

b. analyze methods to lower the public and private legal costs associated with the determinations of liability for discharges of hazardous substances;

c. examine the historical and legal basis for the imposition of strict, joint and several liability for the discharge of a hazardous substance;

d. discuss the effect on the Department of Environmental Protection and Energy's site remediation program of modifying the existing statutory scheme of strict, joint and several liability and replacing it with another standard of liability; and

e. review and discuss methods to enhance the fairness of the imposition of liability for hazardous substance discharges including the possible use of mixed public and private funding for site remediations and the use of de minimis settlements for potentially responsible parties.

In preparing its report, the department shall review the provisions of the federal "Comprehensive Environmental Response, Compensation, and Liability Act of 1980," as amended by the "Superfund Amendments and Reauthorization Act of 1986," the regulations and policies of the federal Environmental Protection Agency in implementing that act, proposed changes being considered by Congress in the reauthorization of that act, and the discharge liability laws of other states as may be relevant. The report shall contain recommendations for regulatory or legislative actions.

49. Within six months of the enactment of P.L.1993, c.139, the Commissioner of Environmental Protection and Energy shall issue a report to the Governor and the Legislature providing an evaluation, recommendations, and a plan of action for developing and implementing a certification program for persons engaging in the remediation of contaminated sites. In preparing his report, the commissioner shall review the certification programs for persons engaging in the remediation of contaminated sites which other states have implemented and which may be relevant.

50. This act shall take effect immediately except that section 44 shall remain inoperative until the 90th day following enactment.

Approved June 16, 1993.

CHAPTER 140

AN ACT exempting certain religiously affiliated nursing homes from the certificate of need requirement and supplementing P.L.1971, c.136 (C.26:2H-1 et seq.).

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

C.26:2H-7.3 Nursing homes exempt from certificate of need requirement.

1. a. Notwithstanding the provisions of section 7 of P.L.1971, c.136 (C.26:2H-7) to the contrary, a nursing home which is affiliated with a well established religious body or denomination and reserves at least 65% of its licensed bed capacity for patients who are members of that religious body or denomination is exempt from the requirement of obtaining a certificate of need if the nursing home is in compliance with all State regulations governing its licensure.

b. A nursing home which is exempt from the certificate of need requirement pursuant to subsection a. of this section shall be required to meet the Statewide average for the percentage of beds that are to be reserved for patients who are eligible for medical assistance pursuant to P.L.1968, c.413 (C.30:4D-1 et seq.).

2. This act shall take effect immediately.

Passed June 18, 1993.

CHAPTER 141

AN ACT concerning the anticipation of certain funds in the local budgets of certain municipalities.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. Notwithstanding the provisions of the "Supplemental Municipal Property Tax Relief Act," P.L.1991, c.63 (C.52:27D-118.32 et al.), any municipality that received formula aid funds under that act, including hold-harmless formula aid under P.L.1992, c.149, in State fiscal year 1993 may anticipate in its budget for the current local budget year the receipt of at least the same amount of funds it received under those acts in State fiscal year 1993.

2. This act shall take effect immediately.

Passed June 18, 1993.

CHAPTER 142

AN ACT supplementing Title 2B of the New Jersey Statutes by enactment of an additional Chapter 2A, Judges, Removal From Office.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. An additional chapter, chapter 2A, is added to Title 2B:

TITLE 2B
CHAPTER 2A. JUDGES, REMOVAL FROM OFFICE

2B:2A-1. Definitions.
2B:2A-2. Cause for removal.
2B:2A-3. Institution of removal proceedings.
2B:2A-4. Prosecution of removal proceedings.
2B:2A-5. Suspension pending determination.
2B:2A-6. Preparation of defense; counsel; production of witnesses and evidence.
2B:2A-7. Taking of evidence.

2B:2A-8.	Rules governing.
2B:2A-9.	Removal.
2B:2A-10.	Suspension prior to hearing.
2B:2A-11.	Impeachment proceedings.

Definitions.

2B:2A-1. Definitions. As used in this chapter, "judge" means any judge of the Superior Court, the Tax Court or a municipal court.
Source: C.2A:1B-1 (P.L.1970, c.151, s.1)

Cause for removal.

2B:2A-2. Cause for removal. A judge may be removed from office by the Supreme Court for misconduct in office, willful neglect of duty, or other conduct evidencing unfitness for judicial office, or for incompetence.
Source: C.2A:1B-2 (P.L.1970, c.151, s.2)

Institution of removal proceedings.

2B:2A-3. Institution of removal proceedings. A proceeding for removal may be instituted by either house of the Legislature acting by a majority of all its members, or the Governor, by the filing of a complaint with the clerk of the Supreme Court, or such proceedings may be instituted by the Supreme Court on its own motion.
Source: C.2A:1B-3 (P.L.1970, c.151, s.3)

Prosecution of removal proceedings.

2B:2A-4. Prosecution of removal proceedings. The Attorney General or his representative shall prosecute the proceedings unless the Supreme Court shall specially designate an attorney for that purpose.
Source: C.2A:1B-4 (P.L.1970, c.151, s.4)

Suspension pending determination.

2B:2A-5. Suspension pending determination. The Supreme Court may suspend a judge from office, with or without pay, pending the determination of the proceeding
Source: C.2A:1B-5 (P.L.1970, c.151, s.5)

Preparation of defense; counsel; production of witnesses and evidence.

2B:2A-6. Preparation of defense; counsel; production of witnesses and evidence. The judge shall be given a reasonable time to prepare his defense and shall be entitled to be represented by counsel. The prosecuting attorney and the judge shall have the right of compulsory process to compel the attendance of witnesses and the production of evidence at the hearing.
Source: C.2A:1B-6 (P.L.1970, c.151, s.6)

Taking of evidence.

2B:2A-7. Taking of evidence. Evidence may be taken either before the Supreme Court sitting en banc, or before three justices or judges, or a combination thereof, specially designated therefor by the Chief Justice.
Source: C.2A:1B-7 (P.L.1970, c.151, s.7)

Rules governing.

2B:2A-8. Rules governing. Except as otherwise provided in this chapter, proceedings shall be governed by rules of the Supreme Court.
Source: C.2A:1B-8 (P.L.1970, c.151, s.8)

Removal.

2B:2A-9. Removal. If the Supreme Court finds beyond a reasonable doubt that there is cause for removal, it shall remove the judge from office. A judge so removed shall not thereafter hold judicial office.
Source: C.2A:1B-9 (P.L.1970, c.151, s.9)

Suspension prior to hearing.

2B:2A-10. Suspension prior to hearing. No hearing to remove a judge from office as provided for in this act shall be held until the cause for suspension, if the cause is a result of an independent civil, criminal or administrative action against the judge, is finally decided in a tribunal in which the judge had an opportunity to prepare his defense and was entitled to be represented by counsel.
Source: C.2A:1B-10 (P.L.1970, c 151, s.10)

Impeachment proceedings.

2B:2A-11. Impeachment proceedings. The action of the Supreme Court may not extend further than removal from office, but proceedings under this act shall not preclude the institution of impeachment proceedings against a judge pursuant to Article VII, Section III of the Constitution or subjecting a judge to such criminal or penal proceedings as may be authorized by law.
Source: C.2A:1B-11 (P.L. 1970, c.151, s.11)

2. This act shall take effect immediately.

Approved June 18, 1993.

CHAPTER 143

AN ACT concerning certain gambling winnings of nonresidents under the gross income tax, amending N.J.S.54A:5-8.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. N.J.S.54A:5-8 is amended to read as follows:

Income from sources within State for nonresident.

54A:5-8. Income from sources within this State for a nonresident individual, estate or trust means the income from the categories of gross income enumerated and classified under chapter 5 of this act to the extent that it is earned, received or acquired from sources within this State:

(1) By reason of ownership or disposition of any interest in real or tangible personal property in this State; or

(2) In connection with a trade, profession, occupation carried on in this State or for the rendition of personal services performed in this State; or

(3) As a distributive share of the income of an unincorporated business, profession, enterprise, undertaking or other activity as the result of work done, services rendered or other business activities conducted in this State except as allocated to another state pursuant to regulations promulgated by the director under this act; or

(4) From intangible personal property employed in a trade, profession, occupation or business carried on in this State; or

(5) As a result of any lottery or wagering transaction in this State other than that excluded from taxation pursuant to N.J.S.54A:6-11.

Income from sources within this State for a nonresident individual shall not include income from pensions and annuities as set forth in subsection j. of N.J.S.54A:5-1.

2. This act shall take effect immediately and section 1 shall apply to taxable years ending after the effective date of this act.

Approved June 18, 1993.

CHAPTER 144

AN ACT concerning urban enterprise zones and amending P.L.1983, c.303.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. Section 21 of P.L.1983, c.303 (C.52:27H-80) is amended to read as follows:

C.52:27H-80 50% tax exemption for retail sales.

21. Receipts of retail sales, except retail sales of motor vehicles, of alcoholic beverages as defined in the "Alcoholic Beverage Tax Law," R.S.54:41-1 et seq., cigarettes as defined in the "Cigarette Tax Act," P.L.1948, c.65 (C.54:40A-1 et seq.) and of manufacturing machinery, equipment or apparatus, made by a certified vendor from a place of business owned or leased and regularly operated by the vendor for the purpose of making retail sales, and located in a designated enterprise zone established pursuant to the "New Jersey Urban Enterprise Zones Act," P.L.1983, c.303 (C.52:27H-60 et al.), are exempt to the extent of 50% of the tax imposed under the "Sales and Use Tax Act," P.L.1966, c.30 (C.54:32B-1 et seq.).

Any vendor, which is a qualified business having a place of business located in a designated enterprise zone, may apply to the Director of the Division of Taxation in the Department of the Treasury for certification pursuant to this section. The director shall certify a vendor if he shall find that the vendor owns or leases and regularly operates a place of business located in the designated enterprise zone for the purpose of making retail sales, that items are regularly exhibited and offered for retail sale at that location, and that the place of business is not utilized primarily for the purpose of catalogue or mail order sales. The certification under this section shall remain in effect during the time the business retains its status as a qualified business meeting the eligibility criteria of section 27 of P.L.1983, c.303 (C.52:27H-86). However, the director may at any time revoke a certification granted pursuant to this section if he shall determine that the vendor no longer complies with the provisions of this section.

Notwithstanding the provisions of this act to the contrary, the authority may, in its discretion, determine whether or not the provisions of this section shall apply to any enterprise zone designated after the effective date of P.L.1985, c.142 (C.52:27H-66 et al.); provided, however, that the authority may make such a determination only where the authority finds that the award of an exemption of 50 percent of the tax imposed under the "Sales and Use Tax Act," P.L.1966, c.30 (C.54:32B-1 et seq.) will not have any adverse economic impact upon any other urban enterprise zone.

Notwithstanding any other provisions of law to the contrary, all revenues received from the taxation of retail sales made by certified vendors from business locations in designated enterprise zones to which this exemption shall apply, shall be deposited immediately upon collection by the Department of the Treasury, as follows:

a. In the first five year period during which the State shall have collected reduced rate revenues within an enterprise zone, all such revenues shall be deposited in the enterprise zone assistance fund created pursuant to section 29 of P.L.1983, c.303 (C.52:27H-88);

b. In the second five year period during which the State shall have collected reduced rate revenues within an enterprise zone, 66 2/3% of all those revenues shall be deposited in the enterprise zone assistance fund, and 33 1/3% shall be deposited in the General Fund;

c. In the third five year period during which the State shall have collected reduced rate revenues within an enterprise zone, 33 1/3% of all those revenues shall be deposited in the enterprise zone assistance fund, and 66 2/3% shall be deposited in the General Fund;

d. In the final five year period during which the State shall have collected reduced rate revenues within an enterprise zone, but not to exceed the life of the enterprise zone, all those revenues shall be deposited in the General Fund.

Commencing on the effective date of P.L.1993, c.144, all revenues in any enterprise zone to which the provisions of this section have been extended prior to the enactment of P.L.1993, c.144 shall be deposited into the enterprise zone assistance fund until there shall have been deposited all revenues into that fund for a total of five full years, as set forth in subsection a. of this section. The State Treasurer then shall proceed to deposit funds into the enterprise zone assistance fund according to the schedule set forth in subsections b. through d. of this section, beginning at the point where the enterprise zone was located on that schedule on the effective date of P.L.1993, c.144. No enterprise zone shall receive the deposit benefit granted by any one subsection of this section for more than five cumulative years.

The revenues required to be deposited in the enterprise zone assistance fund under this section shall be used for the purposes of that fund and for the uses prescribed in section 29 of P.L.1983, c.303 (C.52:27H-88), subject to annual appropriations being made for those purposes and uses.

2. This act shall take effect immediately.

Passed June 21, 1993.

CHAPTER 145

AN ACT concerning licensure requirements for the practice of medicine and surgery and amending R.S.45:9-7.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. R.S.45:9-7 is amended to read as follows:

Premedical educational requirements.

45:9-7. Except as otherwise provided in chapter 9 of Title 45 of the Revised Statutes, every applicant for admission to examination for a license to practice medicine and surgery shall also present proof acceptable to the board demonstrating that in addition to, and subsequent to, obtaining the preliminary education specified in R.S.45:9-6, and prior to commencing his study in a professional school or college, he had completed a satisfactory course in a college or school of arts and science accredited by an agency recognized by the board, the duration of such course to have been two years during which period he had earned no less than 60 credits, which credits include one three-credit course each in chemistry, physics and biology.

An applicant whose premedical education does not meet the requirements set forth in this section may, at the discretion of the board, be permitted to remediate the substantive deficiencies in a manner determined by rules adopted by the board, and be deemed eligible for licensure. The board may waive the educational requirements of this section for any applicant who demonstrates that he has attained the substantial equivalent of these requirements through his post-secondary education, competency, accomplishments and achievements in the practice of medicine and surgery.

2. This act shall take effect immediately.

Approved June 22, 1993.

CHAPTER 146

AN ACT concerning school bond authorization proceedings and amending various sections of the New Jersey Statutes.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. N.J.S.18A:24-18 is amended to read as follows:

Presumption of filing and correctness of statements.

18A:24-18. Every such supplemental debt statement shall be conclusively presumed to be accurate and correct and to be timely filed as the basis for the issuance of any bond or other obligation, authorized, within the principal amount of bonds to which effect is given therein, by an ordinance or resolution adopted in connection therewith, and shall not be rebutted, and the correctness, sufficiency and timeliness of such debt statements shall not be contested or questioned in any action or proceeding relating to any such bond or other obligation or the levy or collection of taxes for the payment of the same.

2. N.J.S.18A:24-30 is amended to read as follows:

Transmission of certified copy of bond proposal.

18A:24-30. Whenever bonds are authorized to be issued by a type II school district under this chapter, the secretary of the board of education of the district shall transmit to the commissioner a certified copy of the bond proposal adopted by resolution of the board of education and approved by a majority of the legally qualified voters of the district voting on the proposal at an annual or special school election.

3. N.J.S.18A:24-55 is amended to read as follows:

Contracts made before issuance of bonds.

18A:24-55. After school bonds have been authorized in accordance with this chapter, the board of education may, within the amount and for the purposes of such authorization, make contracts notwithstanding that the moneys to be raised therefor by the issuance of such bonds, or notes or temporary loan bonds in anticipation thereof, are not in hand.

4. N.J.S.18A:24-65 is amended to read as follows:

Expiration date for contesting validity of proceeding, election.

18A:24-65. No action to contest the validity of any proceeding or election authorizing the issuance of any bonds, held in connection with any such authorization, or the application of the proceeds of any such issue to a purpose other than those for which the bonds were issued, shall be commenced after the expiration of 20 days from the date of the institution of such proceedings or the holding of such election or the action in connection therewith forming the subject matter of such contest. Thereafter, the proceedings shall be conclusively presumed to be due authorization for the issuance of the bonds.

5. This act shall take effect immediately.

Approved June 22, 1993.

CHAPTER 147

AN ACT concerning prepaid funeral agreements and revising parts of the statutory law.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

C.45:7-82 Definitions used in C.45:7-32 et seq., C.45:7-65.3 and C.45:7-82 et al.

1. As used in this act, in P.L.1952, c.340 (C.45:7-32 et seq.) and in section 18 of P.L.1960, c.184 (C.45:7-65.3):

"At need funeral arrangements" means funeral arrangements made with the survivors or personal representative of a person who has already died for that person's funeral.

"Board" means the State Board of Mortuary Science of New Jersey.

"Credit life insurance" means insurance on the life of a debtor pursuant to or in connection with a specific loan or other credit transaction.

"Deliver" or "delivery" means the conveyance of actual control and possession of prepaid funeral goods that have been permanently relinquished by a provider, or other person, firm or corporation, or an agent thereof, to the purchaser or person paying the moneys, or personal representative of the intended funeral recipient. Delivery has not been made if the provider, or other person, firm or corporation, or an agent thereof:

(1) Arranges or induces the purchaser or person paying the moneys to arrange for the storage or warehousing of prepaid funeral goods ordered pursuant to a prepaid funeral agreement, with or without evidence that legal title has passed; or

(2) Acquires or reacquires actual or constructive possession or control of prepaid funeral goods after their initial delivery to the purchaser or person paying the moneys or personal representative of the intended funeral recipient.

This definition of delivery shall apply to this term as used in this act, notwithstanding the provisions set forth in the Uniform Commercial Code, Title 12A of the New Jersey Statutes.

"Funeral arrangements" means funeral and burial plans made through a mortuary, including the selection of plans for the furnishing of funeral goods and services pursuant to a completed plan of bodily disposition and the act of offering the opportunity to purchase or to enroll in a prepaid funeral agreement by the mortuary.

"Funeral insurance policy" means any insurance policy or annuity contract that, at the time of issue, was intended to provide, or which was explicitly marketed for the purpose of providing, funds to the provider, whether directly or indirectly, at the time of the insured's death in connection with a prepaid funeral agreement.

"Funeral trust" means a commingled or non-commingled account held in a pooled trust or P.O.D. account, established in accordance with P.L.1957, c.182 (C.2A:102-13 et seq.) or P.L.1985, c.147 (C.3B:11-16 et al.), which is intended as the depository for cash payments connected with a prepaid funeral agreement.

"Guaranteed price agreement" means a prepaid funeral agreement under which, in exchange for the proceeds of a funeral trust or funeral insurance policy, the provider agrees to provide the stated goods and services in the future, regardless of whether or not the retail value of those goods and services exceeds the funds available from the funeral trust or funeral insurance policy at the time of death of the intended funeral recipient.

"Intended funeral recipient" means the person named in a prepaid funeral agreement for whose bodily disposition the prepaid funeral agreement is intended to provide. The intended funeral recipient may or may not be the purchaser.

"Non-guaranteed price agreement" means a prepaid funeral agreement funded with a funeral trust or funeral insurance policy, the proceeds of which the provider will apply to the current retail value of the prepaid funeral goods and services previously selected at the time of death of the intended funeral recipient, but which agreement shall not bind the provider to provide the goods and services if the value thereof exceeds the funds available at the time of death of the intended funeral recipient.

"Payable on death account" or "P.O.D. account" means an account payable, on request to the purchaser or intended funeral recipient of a prepaid funeral agreement during the lifetime of the intended funeral recipient and on his death, to a provider of funeral goods and services.

"Pooled trust" means a pooled trust account established pursuant to P.L.1985, c.147 (C.3B:11-16 et al.).

"Preneed funeral arrangements" means funeral arrangements made with an intended funeral recipient or his guardian, agent or next of kin, for the funeral of the intended funeral recipient.

"Prepaid funeral agreement" means a written agreement and all documents related thereto made by a purchaser with a provider prior to the death of the intended funeral recipient, with which there is connected a provisional means of paying for preneed funeral arrangements upon the death of the intended funeral recipient by the use of a funeral trust or funeral insurance policy, made payable to a provider and in return for which the provider promises to furnish, make available or provide the prepaid funeral goods or services, or both, specified in the agreement, the delivery of which occurs after the death of the intended funeral recipient.

"Prepaid funeral goods" means personal property typically sold or provided in connection with a funeral, or the final disposition of human remains, including, but not limited to, caskets or other primary containers, cremation or transportation containers, outer burial containers, vaults, as defined in N.J.S.8A:1-2, memorials as defined in N.J.S.8A:1-2, funeral clothing or accessories, monuments, cremation urns, and similar funeral or burial items, which goods are purchased in advance of need and which will not be delivered until the death of the intended funeral recipient named in a prepaid funeral agreement. Prepaid funeral goods shall not mean the sale of interment spaces and related personal property offered or sold by a cemetery company as provided for in N.J.S.8A:1-1 et seq.

"Prepaid funeral services" means those services typically provided in connection with a funeral, or the final disposition of human remains, including, but not limited to, funeral directing services, embalming services, care of human remains, preparation of human remains for final disposition, transportation of human remains, use of facilities or equipment for viewing human remains, visitation, memorial services or services which are used in connection with a funeral or the disposition of human remains, coordinating or conducting funeral rites or ceremonies and similar funeral or burial services, including limousine services provided in connection therewith, which services are purchased in advance of need and which will not be provided or delivered until the death of the intended funeral recipient named in a prepaid funeral agreement. Prepaid funeral services shall not mean the sale of services incidental to the provision of interment spaces or any related personal services offered or sold by a cemetery company as provided for in N.J.S. 8A:1-1 et seq.

"Provider" means a person, firm or corporation duly licensed and registered pursuant to the "Mortuary Science Act," P.L.1952, c.340 (C.45:7-32 et seq.) to engage in the business and practice of funeral directing or mortuary science, or an individual serving as an agent thereof and so licensed:

(1) Operating a duly registered mortuary in accordance with P.L.1952, c.340 (C.45:7-32 et seq.) and the regulations promulgated thereunder;

(2) Having his or its business and practice based within the physical confines of the registered mortuary; and

(3) Engaging in the practice of making preneed funeral arrangements, including, but not limited to, offering the opportunity to purchase or enroll in prepaid funeral agreements.

"Purchaser" means the person named in a prepaid funeral agreement who purchases the prepaid funeral goods and services to be provided thereunder. The purchaser may or may not be the intended funeral recipient. If the purchaser is different than the intended funeral recipient, it is understood that the relationship of the purchaser to the intended funeral recipient includes a means to provide administrative control over the agreement on behalf of the intended funeral recipient.

"Retail installment contract" means an agreement to pay the purchase price of goods or services in two or more installments over a period of time.

"Statement of funeral goods and services" means the itemized written statement required to be given to each person making funeral arrangements in accordance with the regulations of the Federal Trade Commission (16 C.F.R. 453.2) and the board (N.J.A.C.13:36-9.8).

C.45:7-83 Requirements for seller of certain funeral arrangements, agreements.

2. a. No person, firm or corporation shall sell, or offer to sell, or make or offer to make at need funeral arrangements, preneed funeral arrangements or prepaid funeral agreements, unless that person, firm or corporation:

(1) is duly licensed and registered pursuant to the "Mortuary Science Act," P.L.1952, c.340 (C.45:7-32 et seq.), to engage in the business and practice of funeral directing or mortuary science; and

(2) has his or its business and practice based within the physical confines of the registered mortuary.

b. No person, firm or corporation, shall engage in the business and practice of funeral directing or mortuary science at any permanent facility that is not a registered mortuary.

c. Notwithstanding the foregoing, this section shall not be construed to prohibit an otherwise qualified person, firm or corporation from acting as a provider operating under a trade name or other assumed name or through a subsidiary of a corporation duly licensed and registered pursuant to P.L.1952, c.340 (C.45:7-32 et seq.) to engage in the business and practice of funeral directing or mortuary science.

C.45:7-84 Requirements for provider of certain funeral arrangements, agreements.

3. No provider shall enter into, or offer to enter into, a prepaid funeral agreement, or provide or offer to provide a funeral trust or funeral insurance policy in connection therewith, unless:

a. At the same time he makes preneed funeral arrangements for the intended funeral recipient on a statement of funeral goods and services;

b. He meets all requirements with respect to the making of at need funeral arrangements as otherwise required by law;

c. The insurance policy or annuity contract to be provided or offered as a funeral insurance policy complies with the provisions of section 24 of P.L.1993, c.147 (C.17B:17-5.1);

d. If a funeral insurance policy is provided or offered, he is duly licensed as an insurance producer pursuant to P.L.1987, c.293 (C.17:22A-1 et seq.).

C.45:7-85 Requirements for prepaid funeral agreement.

4. Every prepaid funeral agreement executed in this State shall:

a. Be signed by the provider, and the purchaser or the intended funeral recipient or the intended funeral recipient's guardian, agent or next of kin.

b. Include at least the following information:

(1) the name, address and telephone number of the mortuary to be utilized;

(2) the name of the individual licensee acting as or on behalf of the provider and the license number of that individual;

(3) the purchaser's name and address;

(4) the name of the intended funeral recipient;

(5) whether the agreement is a guaranteed price agreement or non-guaranteed price agreement, which term, as applicable, shall be defined in the agreement in accordance with section 1 of this act;

(6) how the agreement is to be funded; and

(7) a statement of funeral goods and services or, if not included as part of the agreement, that a statement of funeral goods and services shall be provided.

c. Provide that all funeral arrangements are revocable, and that all funeral funding arrangements are severable from those funeral arrangements by the purchaser if alive, and if not, then by the intended funeral recipient, where they are different persons. Upon the death of both the purchaser and the intended funeral recipient, the intended funeral recipient's next of kin, in the order provided in N.J.S.8A:5-18, shall have the right to revoke the funeral arrangements and to sever the funeral funding arrangements from the funeral arrangements. Notwithstanding the above, a prepaid funeral agreement may provide that the funeral trust shall be irrevocable during the lifetime of the intended funeral recipient pursuant to section 1 of P.L.1991, c.502 (C.2A:102-16.1).

In those instances where a revocable prepaid funeral agreement is revoked, the moneys used to fund the agreement shall be paid to the purchaser, if alive, and if not, then to the personal representative or estate of the deceased purchaser if the agreement is funded through a trust or, if the agreement is funded through a funeral insurance policy, to the named beneficiaries on the insurance policy or annuity.

d. Provide that, unless otherwise specified therein, a prepaid funeral agreement anticipates the provision of prepaid funeral goods and services in the area served by the provider. The agreement shall further provide that, if the intended funeral recipient's place of death is in a location other than that served by the provider, alternative funeral arrangements will be necessary.

e. Provide for the provider's substitution of any goods or services to be furnished or rendered thereunder for goods of equal quality, value and workmanship or services of equal quality and value in the event of the unavailability of any goods or services set forth in the agreement. Any changes in the price of the agreement resulting from such substitution of goods or services shall be reflected in the statement of funeral goods and services rendered.

f. Provide that, in the case of an agreement funded through a funeral trust, if the purchaser predeceases the intended funeral recipient where they are different persons, then the intended funeral recipient shall automatically assume the legal right to administer the funeral trust as purchaser, including the right to withdraw any and all funds held in the funeral trust, along with all other rights formerly held by the purchaser.

g. Provide that, upon the death of the intended funeral recipient, the provider shall calculate the current retail prices of the preneed funeral arrangements, and:

(1) in the case of a non-guaranteed prepaid funeral agreement, if there are insufficient funds to pay for the current retail prices of the prepaid funeral goods and services requested, the provider shall consult with the appropriate representative for the supplementation of the funds or the modification of the funeral arrangements set forth in the agreement prior to performance under the agreement.

(2) in the case of an agreement funded through a funeral trust, whether a guaranteed or non-guaranteed price agreement, if the provider determines that the funds or proceeds available exceed the current retail prices of the prepaid funeral goods and services to be provided, the surplus funds shall be paid to the purchaser, if alive, and if not, then to the personal representative of the estate of the deceased.

(3) in the case of an agreement funded through a funeral insurance policy, whether a guaranteed or non-guaranteed price agreement, if the provider determines that the funds or proceeds available exceed the current retail prices of the prepaid funeral goods and services to be provided, the surplus funds shall be paid to the named beneficiaries of the funeral insurance policy.

h. Provide that, upon completion of performance under the agreement, the provider shall present a final bill.

i. Provide that if a prepaid funeral agreement is a guaranteed price agreement, the price guarantee is a guarantee and liability of the provider and not the guarantee and liability of the insurer issuing the funeral insurance policy when a funeral insurance policy is used or the trust depository administering the funeral trust when a funeral trust is used.

C.45:7-86 Additional provisions.

5. In addition to those provisions required in section 4 of this act, agreements connecting a funeral insurance policy to a prepaid funeral agreement shall provide that:

a. Cancellation of the funeral arrangements will not cancel or otherwise invalidate the funeral insurance policy;

b. Cancellation, withdrawal of, or loans made against, the proceeds or cash value of the policy shall void any price guarantees and indicate, therefore, the likelihood that inadequate funds will exist to pay for the original arrangements as intended; and

c. Cancellation of the prepaid funeral agreement will not result in the refund of premiums paid.

C.45:7-87 Additional requirements.

6. In addition to the other requirements of this act, with respect to prepaid funeral agreements and the preneed funeral arrangements made in connection therewith:

a. If the provider is unable to provide the prepaid goods and services requested due to the revocation of the prepaid funeral agreement or funding arrangements or due to impossibility of performance, the moneys used to fund the agreement shall be paid to the purchaser, if alive, and if not, then to the personal representative of the deceased purchaser or his estate if the agreement is funded through a funeral trust or, if the agreement is funded through a funeral insurance policy, to the named beneficiaries of the policy.

b. As a condition to the performance of the agreement, the provider or an agent thereof shall deliver the prepaid funeral goods to the purchaser or personal representative of the intended funeral recipient, regardless of whether the agreement specifically provides therefor.

c. Unless the intended funeral recipient's next of kin inquires about the prepaid funeral goods and services arranged for, the provider shall be entitled to presume that the arrangements on file are those intended.

C.45:7-88 Naming of provider as beneficiary prohibited.

7. No provider shall knowingly permit, in conjunction with a prepaid funeral agreement, the naming of himself or itself as beneficiary of a policy, except that nothing in this section shall be construed to prohibit the assignment of proceeds to a provider as payment for a funeral bill, or such other mechanism that provides payments to providers for the goods or services rendered, and that provides for any excess proceeds to be paid to a named beneficiary or beneficiaries.

C.45:7-89 Written statement to purchaser of new arrangements.

8. Where a provider, with the written consent of the purchaser, replaces a funeral trust used to fund a prepaid funeral agreement with a funeral insurance policy or converts an agreement funded by a funeral trust to one which is funded by a funeral insurance policy, the provider shall give to the purchaser a written statement which sets forth the material differences between the original and the new

funding arrangements and which discloses the provider's earning of a commission based upon that transaction.

C.45:7-90 Prohibitions for providers.

9. No person shall:

a. Advertise "discounts," "rebates" or other price reduction incentives:

(1) which are not actual reductions of the retail prices of a provider's current general price list; or

(2) which are based solely on a funeral insurance policy's premium rate tables.

b. In offering to provide preneed funeral arrangements or prepaid funeral agreements, use the word "trust" or "trust funded" in any name, advertisement or solicitation in a misleading manner.

c. Fund or finance preneed funeral arrangements or a prepaid funeral agreement through retail installment contracts or credit life insurance, or in any manner other than a funeral trust or funeral insurance policy.

d. Waive any provision of this act in any agreement in which a person pays money under, or in connection with, a prepaid funeral agreement. Any agreement to waive any portion of this act shall render the agreement voidable by the purchaser.

C.45:7-91 Certain acts, fourth degree crimes.

10. A person is guilty of a crime of the fourth degree if he knowingly or purposefully solicits or induces any person to make a prepaid funeral agreement, whether funded with a funeral insurance policy or a funeral trust, with the intent to collect or charge more than the fair market value for prepaid funeral goods or services when the purchaser or intended funeral recipient is:

a. an aged, blind or disabled applicant for, or recipient of, benefits pursuant to the Supplemental Security Income Program under P.L.1973, c.256 (C.44:7-85 et seq.) or any Medicaid program under P.L.1968, c.413 (C.30:4D-1 et seq.) utilizing the eligibility criteria of the Supplemental Security Income Program in regard to burial spaces and funds set aside for burial expenses; or

b. an aged, blind or disabled person who reasonably anticipates applying for, or receiving, the benefits specified in subsection a. of this section.

C.45:7-92 Laws governing prepaid funeral agreements.

11. All prepaid funeral agreements executed on or after the effective date of this 1993 amendatory and supplementary act

shall be governed pursuant to the applicable provisions of P.L.1957, c.182 (C.2A:102-13 et seq.), P.L.1985, c.147 (C.3B:11-16 et al.) and this act.

C.45:7-93 Applicability of act.

12. a. This act applies to the sale of prepaid funeral goods or services and the offering of those goods or services for sale by providers.

b. This act shall not apply to the sale of interment spaces or related personal property or personal services by a cemetery company as provided for in N.J.S.8A:1-1 et seq.

C.45:7-94 Rules, regulations.

13. The State Board of Mortuary Science of New Jersey shall have jurisdiction to enforce the provisions of this act. The board is authorized to adopt such rules and regulations, pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), as may be necessary to effectuate the purposes of this act.

14. Section 3 of P.L.1952, c.340 (C.45:7-34) is amended to read as follows:

C.45:7-34 Definitions.

3. As used in this act:

(a) "Board" means the State Board of Mortuary Science of New Jersey.

(b) "Embalming" means the disinfecting or preservation of a dead human body, entirely or in part by the use of chemical substances, fluids or gases in the body, or by introduction of the same into the body by vascular or hypodermic injection, or by direct application into the organs or cavities.

(c) "Funeral directing" means (1) the engaging in or conducting or holding one's self out as being engaged in or conducting the preparation (other than embalming) for burial or disposal and the direction or supervision of burial or disposal of dead human bodies; or (2) maintaining, using or operating a mortuary; or (3) in connection with one's name or mortuary using the words "mortician" or "funeral director" or "undertaker" or any other words or title of like import or signification.

"Funeral directing" also means the engaging in or making, or holding one's self out as being engaged in or making, funeral arrangements, including at need funeral arrangements or preneed funeral arrangements; or the offering or holding one's self out as offering the opportunity to purchase or enroll in a prepaid funeral agreement. As used in this definition, "funeral arrangements," "at need funeral arrangements," "preneed funeral arrangements" and "prepaid funeral agreement" shall have the same meaning as they are defined in section 1 of P.L.1993, c.147 (C.45:7-82).

(d) "Mortuary science" means embalming and funeral directing, as the same are herein defined.

(e) "Embalmer" means a qualified person who practices or engages in embalming, as the same is herein defined.

(f) "Funeral director" includes "undertaker" and "mortician" and means a qualified person who practices or engages in funeral directing, as the same is herein defined.

(g) "Practitioner of mortuary science" means a qualified person who practices or engages in mortuary science, as the same is herein defined and who (1) shall be licensed under the provisions of this act as a practitioner of mortuary science, or (2) holds a license as both an embalmer and a funeral director under the provisions of any prior law or laws of this State, or (3) holds a license as an embalmer under the provisions of any prior law or laws of this State and shall have been licensed under the provisions of section 21 of P.L.1952, c.340 (C.45:7-52) as a funeral director, or (4) holds a license as a funeral director under the provisions of any prior law or laws of this State and shall have been licensed under the provisions of section 21 of P.L.1952, c.340 (C.45:7-52) as an embalmer.

(h) "Mortuary" means any place or premises devoted to or used in the care and preparation for burial, disposition, or transportation of dead human bodies, or any specifically designated location or address where any person or persons shall hold forth that he, she, or they are engaged in the practice of mortuary science, embalming or funeral directing, and shall mean and include any premises of any kind whatsoever in which mortuary science in any of its branches is practiced or in which more than five funerals may be conducted in any calendar year, except publicly owned buildings, places of worship and meeting places of fraternal organizations.

(i) "Registered trainee" means a person who is duly registered with the board and who is engaged in the State of New Jersey in learning to practice as a practitioner of mortuary science under the personal instruction and supervision of a person duly licensed as a practitioner of mortuary science and who has an annual case volume as hereinafter provided in section 18 of this act.

15. Section 18 of P.L.1960, c.184 (C.45:7-65.3) is amended to read as follows:

C.45:7-65.3 Solicitation forbidden.

18. a. No person, firm or corporation, or solicitors, agents, canvassers, employees or other persons acting on behalf of that person, firm or corporation, for the purpose of selling or contracting to sell or provide any service or services commonly furnished or performed by an embalmer or funeral director, including, but not limited to, prepaid funeral agreements and the making of at need or preneed funeral arrangements, shall:

(1) Directly or indirectly solicit persons in hospitals, rest homes, nursing homes or similar health care facilities by telephone or in person without first having been specifically requested to do so by that person;

(2) Directly or indirectly employ any agent, employee, assistant, independent contractor or other person to solicit persons in hospitals, rest homes, nursing homes or similar health care facilities by telephone or in person without first having been specifically requested to do so by that person;

(3) Solicit relatives of persons whose death is apparently pending or whose death has recently occurred for the purpose of providing any of those services for that person;

(4) Solicit, accept, offer to pay or pay any commission, bonus or rebate in consideration of recommending or causing any person to use the services of a particular funeral director, or the services of a particular crematory, mausoleum or cemetery; or

(5) Solicit persons at their residences in person or by telephone unless that solicitation is in response to a previous request for or expression of interest in a funeral director's services made by the person solicited or by a member of that person's family.

b. Nothing in this section shall be construed to restrict the right of a funeral director or an agent or employee of the funeral director, to communicate, by direct mail or in any other way not specifically prohibited by this section, with persons or provide them with information regarding the services of the funeral director, or to solicit the business of any person responding to that communication and explicitly requesting further information by personal visit or telephone, or otherwise initiating further discussion of those services, or to provide services or information to persons in connection with services previously rendered.

c. Nothing in this section shall be construed to prohibit general advertising by a funeral director.

d. Nothing in this section shall be deemed to prohibit the payment of commissions, bonuses or other compensation to a licensed cemetery salesman for the sale of cemetery goods or services.

e. As used in this section, "at need funeral arrangements," "preneed funeral arrangements" and "prepaid funeral agreement" shall have the same meaning as they are defined in section 1 of P.L.1993, c.147 (C.45:7-82).

16. Section 1 of P.L.1957, c.182 (C.2A:102-13) is amended to read as follows:

C.2A:102-13 Trust funds.

1. Any and all moneys paid to a funeral director, undertaker, cemetery, or any other person, firm or corporation, under or in connection with an agreement for the sale of personal property to be used in connection with a funeral or burial, or for the furnishing of personal services of a funeral director or undertaker, wherein the personal property is not to be delivered or the personal services are not to be rendered until the occurrence of the death of the person for whose funeral or burial such property or services are to be furnished, shall be trust funds in the possession of such funeral director, undertaker, cemetery, or other person, firm or corporation, and shall be deposited by him or it within 30 days after receipt thereof in a special account maintained exclusively for the deposit of such moneys in a federally insured State or federally chartered bank, savings bank or savings and loan association; or, if the person paying the moneys requests, in a pooled trust account established pursuant to P.L.1985, c.147 (C.3B:11-16 et al.) and chosen by the person paying the moneys, and shall be so held on deposit, together with any interest thereon, until said personal property has been delivered and said personal services have been rendered, unless sooner repaid, in whole or in part. No depository institution shall be liable for the misuse, misapplication or improper withdrawal by any such funeral director, undertaker, cemetery or other person, firm or corporation, of any moneys deposited in such depository institution pursuant to this act.

Any agreement for funeral goods or funeral services, or both, executed on or after the effective date of this 1993 amendatory and supplementary act by a provider shall comply with the provisions set forth in sections 1 through 13 of P.L.1993, c.147 (C.45:7-82 to 45:7-94).

17. Section 4 of P.L.1957 c.182 (C.2A:102-16) is amended to read as follows:

C.2A:102-16 Violations, certain; theft.

4. Any person, firm or corporation who or which, having received any moneys under or in connection with such an agreement, shall fail to deposit or keep on deposit, misapply or misappropriate or to repay any and all such moneys as provided in this act, is guilty of theft by failure to make the required disposition of property received pursuant to N.J.S.2C:20-9.

Any person, firm or corporation receiving moneys under P.L.1957, c.182 (C.2A:102-13 et seq.) is presumed:

a. to know his or its obligations relevant to criminal liability under this section; and

b. to have dealt with property as his or its own if he or it fails to pay or account upon lawful demand or if an audit reveals a shortage or falsification of accounts.

18. Section 5 of P.L.1957, c.182 (C.2A:102-17) is amended to read as follows:

C.2A:102-17 Nonapplicability of act.

5. This act shall not apply to

a. the sale of lots or graves by a cemetery; or

b. the use of individually issued insurance policies as funding vehicles for prepaid funeral agreements.

C.2A:102-18 Definitions used in C.2A:102-13 et seq.

19. As used in P.L.1957, c.182 (C.2A:102-13 et seq.):

"Deliver" or "delivery" means the conveyance of actual control and possession of prepaid funeral goods that have been permanently relinquished by a provider, or other person, firm or corporation, or an agent thereof, to the purchaser or person paying the moneys, or personal representative of the intended funeral recipient. Delivery has not been made if the provider, or other person, firm or corporation, or an agent thereof:

(1) Arranges or induces the purchaser or person paying the moneys to arrange for the storage or warehousing of prepaid funeral goods ordered pursuant to a prepaid funeral agreement, with or without evidence that legal title has passed; or

(2) Acquires or reacquires actual or constructive possession or control of prepaid funeral goods after their initial delivery to the purchaser or person paying the moneys or personal representative of the intended funeral recipient.

This definition of delivery shall apply to this term as used in P.L.1957, c.182 (C.2A:102-13 et seq.), notwithstanding the provisions set forth in the Uniform Commercial Code, Title 12A of the New Jersey Statutes.

"Funeral insurance policy" means any insurance policy or annuity contract that, at the time of issue, was intended to provide, or which was explicitly marketed for the purpose of providing, funds to the provider, whether directly or indirectly, at the time of the insured's death in connection with a prepaid funeral agreement.

"Funeral trust" means a commingled or non-commingled account held in a pooled trust or P.O.D. account, established in accordance with P.L.1957, c.182 (C.2A:102-13 et seq.) or P.L.1985, c.147 (C.3B:11-16 et al.), which is intended as the depository for cash payments connected with a prepaid funeral agreement.

"Intended funeral recipient" means the person named in a prepaid funeral agreement for whose bodily disposition the prepaid funeral agreement is intended to provide. The intended funeral recipient may or may not be the purchaser.

"Payable on death account" or "P.O.D. account" means an account payable on request to the purchaser or intended funeral recipient of a prepaid funeral agreement, during the lifetime of the intended funeral recipient and on his death, to a provider of funeral goods and services.

"Pooled trust" means a pooled trust account established pursuant to P.L.1985, c.147 (C.3B:11-16 et al.).

"Preneed funeral arrangements" means funeral arrangements made with an intended funeral recipient or his guardian, agent or next of kin, for the funeral of the intended funeral recipient.

"Prepaid funeral agreement" means a written agreement and all documents related thereto made by a purchaser with a provider prior to the death of the intended funeral recipient, with which there is connected a provisional means of paying for preneed funeral arrangements upon the death of the intended funeral recipient by the use of a funeral trust or funeral insurance policy, made payable to a provider and in return for which the provider promises to furnish, make available or provide the prepaid funeral goods or services, or both, specified in the agreement, the delivery of which occurs after the death of the intended funeral recipient.

"Prepaid funeral goods" means personal property typically sold or provided in connection with a funeral, or the final disposition of human remains, including, but not limited to, caskets or other primary containers, cremation or transportation containers, outer burial containers, vaults, as defined in N.J.S.8A:1-2, memorials as defined in N.J.S.8A:1-2, funeral clothing or accessories, monuments, cremation urns, and similar funeral or burial items, which goods are purchased in advance of need and which will not be delivered until the death of the intended funeral recipient named in a prepaid funeral agreement. Prepaid funeral goods shall not mean the sale of interment spaces and related personal property offered or sold by a cemetery company as provided for in N.J.S.8A:1-1 et seq.

"Prepaid funeral services" means those services typically provided in connection with a funeral, or the final disposition of human remains, including, but not limited to, funeral directing services, embalming services, care of human remains, preparation of human remains for final disposition, transportation of human remains, use of facilities or equipment for viewing human remains, visitation, memorial services or services which are used in connection with a funeral or the disposition of human remains, coordinating or conducting funeral rites or ceremonies and similar funeral or burial services, including limousine services provided in connection therewith, which services are purchased in advance of need and which will not be provided or delivered until the death of the intended funeral recipient named in a prepaid funeral agreement. Prepaid funeral services shall not mean the sale of services incidental to the provision of interment spaces or any related personal services offered or sold by a cemetery company as provided for in N.J.S.8A:1-1 et seq.

"Provider" means a person, firm or corporation duly licensed and registered pursuant to the "Mortuary Science Act," P.L.1952, c.340 (C.45:7-32 et seq.) to engage in the business and practice of funeral directing or mortuary science, or an individual serving as an agent thereof and so licensed:

(1) Operating a duly registered mortuary in accordance with P.L.1952, c.340 (C.45:7-32 et seq.) and the regulations promulgated thereunder;

(2) Having his or its business and practice based within the physical confines of the registered mortuary; and

(3) Engaging in the practice of making preneed funeral arrangements, including, but not limited to, offering the opportunity to purchase or enroll in prepaid funeral agreements.

"Purchaser" means the person named in a prepaid funeral agreement who purchases the prepaid funeral goods and services to be provided thereunder. The purchaser may or may not be the intended funeral recipient. If the purchaser is different than the intended funeral recipient, it is understood that the relationship of the purchaser to the intended funeral recipient includes a means to provide administrative control over the agreement on behalf of the intended funeral recipient.

20. Section 1 of P.L.1985, c.147 (C.3B:11-16) is amended to read as follows:

C.3B:11-16 Pooled trust accounts.

1. Prepaid funeral expense moneys used to fund a prepaid funeral agreement may be deposited into a pooled trust account in a federally insured State or federally chartered bank, savings bank or savings and loan association pursuant to a written trust agreement the beneficiaries of which shall be the purchasers or intended funeral recipients. Any such trust agreement shall assure that the following terms and conditions are clearly and conspicuously disclosed in writing to purchasers and intended funeral recipients prior to the acceptance of any moneys by the trustees:

a. The right to immediately withdraw on demand any moneys plus accrued interest paid into the trust, except as provided in section 1 of P.L.1991, c.502 (C.2A:102-16.1).

b. The right to receive periodic statements not less than once per year reflecting the amount of principal and accrued interest, if any, in the trust.

c. The amount or rate of commissions to be taken.

d. The identity and location of the trustees.

e. The location of the trust agreement and the conditions under which it may be examined.

All such trust agreements entered into by a provider on or after the effective date of this 1993 amendatory and supplementary act shall comply with the provisions set forth in sections 1 through 13 of P.L.1993, c.147 (C.45:7-82 to 45:7-94).

21. Section 2 of P.L.1985, c.147 (C.3B:11-17) is amended to read as follows:

C.3B:11-17 Trustees' commission.

2. The trustees of a pooled trust fund established pursuant to section 1 of this act for the benefit of not less than 200 purchasers or intended funeral recipients shall be entitled to a commission of not more than 1% per annum of the corpus of the trust fund. The trustees of a pooled trust fund for the benefit of less than 200 purchasers or intended funeral recipients shall not be entitled to any

commission. All expenses incurred in the administration of such a trust or the services rendered thereby shall be deducted from income received by the trustees and in no event shall the trustees invade the corpus of the trust funds.

C.3B:11-16.1 Definitions used in C.3B:11-16 et al.

22. As used in P.L.1985, c.147 (C.3B:11-16 et al.):

"Deliver" or "delivery" means the conveyance of actual control and possession of prepaid funeral goods that have been permanently relinquished by a provider, or other person, firm or corporation, or an agent thereof, to the purchaser or person paying the moneys, or personal representative of the intended funeral recipient. Delivery has not been made if the provider, or other person, firm or corporation, or an agent thereof:

(1) Arranges or induces the purchaser or person paying the moneys to arrange for the storage or warehousing of prepaid funeral goods ordered pursuant to a prepaid funeral agreement, with or without evidence that legal title has passed; or

(2) Acquires or reacquires actual or constructive possession or control of prepaid funeral goods after their initial delivery to the purchaser or person paying the moneys or personal representative of the intended funeral recipient.

This definition of delivery shall apply to this term as used in P.L.1985, c.147 (C.3B:11-16 et al.), notwithstanding the provisions set forth in the Uniform Commercial Code, Title 12A of the New Jersey Statutes.

"Funeral insurance policy" means any insurance policy or annuity contract that, at the time of issue, was intended to provide, or which was explicitly marketed for the purpose of providing, funds to the provider, whether directly or indirectly, at the time of the insured's death in connection with a prepaid funeral agreement.

"Funeral trust" means a commingled or non-commingled account held in a pooled trust or P.O.D. account, established in accordance with P.L.1957, c.182 (C.2A:102-13 et seq.) or P.L.1985, c.147 (C.3B:11-16 et al.), which is intended as the depository for cash payments connected with a prepaid funeral agreement.

"Intended funeral recipient" means the person named in a prepaid funeral agreement for whose bodily disposition the prepaid funeral agreement is intended to provide. The intended funeral recipient may or may not be the purchaser.

"Payable on death account" or "P.O.D. account" means an account payable on request to the purchaser or intended funeral recipient of a prepaid funeral agreement, during the lifetime of the intended funeral recipient and on his death, to a provider of funeral goods and services.

"Pooled trust" means a pooled trust account established pursuant to P.L.1985, c.147 (C.3B:11-16 et al.).

"Preneed funeral arrangements" means funeral arrangements made with an intended funeral recipient or his guardian, agent or next of kin, for the funeral of the intended funeral recipient.

"Prepaid funeral agreement" means a written agreement and all documents related thereto made by a purchaser with a provider prior to the death of the intended funeral recipient, with which there is connected a provisional means of paying for preneed funeral arrangements upon the death of the intended funeral recipient by the use of a funeral trust or funeral insurance policy, made payable to a provider and in return for which the provider promises to furnish, make available or provide the prepaid funeral goods or services, or both, specified in the agreement, the delivery of which occurs after the death of the intended funeral recipient.

"Prepaid funeral goods" means personal property typically sold or provided in connection with a funeral, or the final disposition of human remains, including, but not limited to, caskets or other primary containers, cremation or transportation containers, outer burial containers, vaults, as defined in N.J.S.8A:1-2, memorials as defined in N.J.S.8A:1-2, funeral clothing or accessories, monuments, cremation urns, and similar funeral or burial items, which goods are purchased in advance of need and which will not be delivered until the death of the intended funeral recipient named in a prepaid funeral agreement. Prepaid funeral goods shall not mean the sale of interment spaces and related personal property offered or sold by a cemetery company as provided for in N.J.S.8A:1-1 et seq.

"Prepaid funeral services" means those services typically provided in connection with a funeral, or the final disposition of human remains, including, but not limited to, funeral directing services, embalming services, care of human remains, preparation of human remains for final disposition, transportation of human remains, use of facilities or equipment for viewing human remains, visitation, memorial services or services which are used in connection with a funeral or the disposition of human remains, coordinating or conducting funeral rites or ceremonies and similar funeral or burial services, including limousine services provided in connection therewith, which services are purchased in advance of need and which will not be provided or delivered until the death of the intended funeral recipient named in a prepaid funeral agreement. Prepaid funeral services shall not mean the sale of services incidental to the provision of interment spaces or any related personal services offered or sold by a cemetery company as provided for in N.J.S.8A:1-1 et seq.

"Provider" means a person, firm or corporation duly licensed and registered pursuant to the "Mortuary Science Act," P.L.1952, c.340 (C.45:7-32 et seq.) to engage in the business and practice of funeral directing or mortuary science, or an individual serving as an agent thereof and so licensed:

(1) Operating a duly registered mortuary in accordance with P.L.1952, c.340 (C.45:7-32 et seq.) and the regulations promulgated thereunder;

(2) Having his or its business and practice based within the physical confines of the registered mortuary; and

(3) Engaging in the practice of making preneed funeral arrangements, including, but not limited to, offering the opportunity to purchase or enroll in prepaid funeral agreements.

"Purchaser" means the person named in a prepaid funeral agreement who purchases the prepaid funeral goods and services to be provided thereunder. The purchaser may or may not be the intended funeral recipient. If the purchaser is different than the intended funeral recipient, it is understood that the relationship of the purchaser to the intended funeral recipient includes a means to provide administrative control over the agreement on behalf of the intended funeral recipient.

23. N.J.S.8A:5-18 is amended to read as follows:

Disposition of remains of deceased person; right to control; priorities.

8A:5-18 Disposition of remains of deceased person; right to control; priorities.

The right to control the disposition of the remains of a deceased person, unless other directions have been given by the decedent or by a court of competent jurisdiction shall be in the following order:

a. The surviving spouse.

b. A majority of the surviving children of the decedent or the surviving child if one.

c. The surviving parent or parents of the decedent.

d. A majority of the brothers and sisters of the decedent if no child or parent is living.

e. Other next of kin according to the degree of consanguinity.

A prepaid funeral agreement or a preneed funeral arrangement, as defined in section 1 of P.L.1993, c.147 (C.45:7-82), shall not constitute "other directions" for the purposes of this section, nor shall it bind those with the right to control the disposition of the remains.

C.17B:17-5.1 Definitions; funeral insurance policies.

24. a. As used in this section:

"At need funeral arrangements" means funeral arrangements made with the survivors or personal representative of a person who has already died for that person's funeral.

"Funeral arrangements" means funeral and burial plans made through a mortuary, including the selection of plans for the furnishing of funeral goods and services pursuant to a completed plan of bodily disposition and the act of offering the opportunity to purchase or to enroll in a prepaid funeral agreement by the mortuary.

"Funeral insurance policy" means any insurance policy or annuity contract that, at the time of issue, was intended to provide, or which was explicitly marketed for the purpose of providing, funds to the provider, whether directly or indirectly, at the time of the insured's death in connection with a prepaid funeral agreement.

"Intended funeral recipient" means the person named in a prepaid funeral agreement for whose bodily disposition the prepaid funeral agreement is intended to provide. The intended funeral recipient may or may not be the purchaser.

"Preneed funeral arrangements" means funeral arrangements made with an intended funeral recipient or his guardian, agent or next of kin, for the funeral of the intended funeral recipient.

"Prepaid funeral agreement" means a written agreement and all documents related thereto made by a purchaser with a provider prior to the death of the intended funeral recipient, with which there is connected a provisional means of paying for preneed funeral arrangements upon the death of the intended funeral recipient by the use of a funeral trust or funeral insurance policy, made payable to a provider and in return for which the provider promises to furnish, make available or provide the prepaid funeral goods or services, or both, specified in the agreement, the delivery of which occurs after the death of the intended funeral recipient.

"Prepaid funeral goods" means personal property typically sold or provided in connection with a funeral, or the final disposition of human remains, including, but not limited to, caskets or other primary containers, cremation or transportation containers, outer burial containers, vaults, as defined in N.J.S.8A:1-2, memorials as defined in N.J.S.8A:1-2, funeral clothing or accessories, monuments, cremation urns, and similar funeral or burial items, which goods are purchased in advance of need and which will not be delivered until the death of the intended funeral recipient named in a prepaid funeral agreement. Prepaid funeral goods shall not mean the sale of interment spaces and related personal property offered or sold by a cemetery company as provided for in N.J.S.8A:1-1 et seq.

"Prepaid funeral services" means those services typically provided in connection with a funeral, or the final disposition of human remains, including, but not limited to, funeral directing services, embalming services, care of human remains, preparation of human remains for final disposition, transportation of human remains, use of facilities or equipment for viewing human remains, visitation, memorial services or services which are used in connection with a funeral or the disposition of human remains, coordinating or conducting funeral rites or ceremonies and similar funeral or burial services, including limousine services provided in connection therewith, which services are purchased in advance of need and which will not be provided or delivered until the death of the intended funeral recipient named in a prepaid funeral agreement. Prepaid funeral services shall not mean the sale of services incidental to the provision of interment spaces or any related personal services offered or sold by a cemetery company as provided for in N.J.S.8A:1-1 et seq.

"Provider" means a person, firm or corporation duly licensed and registered pursuant to the "Mortuary Science Act," P.L.1952, c.340 (C.45:7-32 et seq.) to engage in the business and practice of funeral directing or mortuary science, or an individual serving as an agent thereof and so licensed:

(1) Operating a duly registered mortuary in accordance with P.L.1952, c.340 (C.45:7-32 et seq.) and the regulations promulgated thereunder;

(2) Having his or its business and practice based within the physical confines of the registered mortuary; and

(3) Engaging in the practice of making preneed funeral arrangements, including, but not limited to, offering the opportunity to purchase or enroll in prepaid funeral agreements.

"Purchaser" means the person named in a prepaid funeral agreement who purchases the prepaid funeral goods and services to be provided thereunder. The purchaser may or may not be the intended funeral recipient. If the purchaser is different than the intended funeral recipient, it is understood that the relationship of the purchaser to the intended funeral recipient includes a means to provide administrative control over the agreement on behalf of the intended funeral recipient.

b. The issuance and marketing of any funeral insurance policy shall meet all of the terms and conditions specified by the Department of Insurance as would apply to any life insurance or annuity contract, and shall in addition meet the standards and requirements specified in sections 1 through 13 of P.L.1993, c.147 (C.45:7-82 to 45:7-94).

c. Any insurance policy or annuity contract used as a funeral insurance policy on or after the effective date of P.L.1993, c.147 (C.45:7-82 et al.), whether issued within the State or outside of the State, whether on a group or individual basis, and any certificates, policies, contracts, applications, forms and related material, shall be subject to all the laws and regulations of this State and the terms and conditions of the Department of Insurance, as though issued in this State, and shall at the time of filing be designated as being intended for use as a funeral insurance policy.

d. The Commissioner of Insurance shall adopt rules and regulations to implement the provisions of this section, including a regulation establishing the loss ratio for funeral insurance policies.

25. This act shall take effect on the 180th day following enactment, but, on or after the date of enactment, the State Board of Mortuary Science of New Jersey and the Department of Insurance may promulgate rules and regulations to implement the provisions of this act in anticipation of it taking effect.

Approved June 24, 1993.

CHAPTER 148

AN ACT concerning the incorporation and management of religious entities belonging to the Coptic Orthodox Church and supplementing Title 16 of the Revised Statutes.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

C.16:20-1 Definitions, Coptic Orthodox Church.

1. As used in this act:

"Bishop of the Coptic Orthodox Diocese" refers to that person who is serving as bishop for that diocese pursuant to the authority of and in accordance with the rules and regulations of the Synodical Committee for the Coptic Churches in Immigration. In accordance with the laws of the Holy Synod, the Pope of Alexandria, in Egypt, is the presiding bishop of any new diocese during the foundation period and until a bishop is ordained for that diocese. Likewise, and pursuant to such laws, the Pope of Alexandria, in Egypt, is the presiding bishop of any existing diocese which has no bishop.

"Coptic Orthodox Church" means the Apostolic Church presided over by His Holiness, the Pope of Alexandria, in Egypt, and the Patriarch of the See of St. Mark, the legislative body of which is known as the Holy Synod. The Coptic Orthodox Church is a hierarchical church.

"Holy Synod" means the highest legislative and executive authority in the Coptic Orthodox Church, presided over by His Holiness, the Pope of Alexandria and the Patriarch of the See of St. Mark and is more formally known as "The Holy Synod for the Coptic Orthodox Church of Alexandria and the See of St. Mark."

"Synodical Committee for the Coptic Churches in Immigration" means, according to the constitution and bylaws of the Holy Synod, the committee formed and presided over by His Holiness, the Pope of Alexandria and the Patriarch of the See of St. Mark from among the members of the Holy Synod, to assist him in marshalling the affairs of the churches abroad.

"Unincorporated church in this State" and a "church heretofore incorporated in this State" means a church, cathedral, chapel or other religious organization in this State founded and established for the purpose of and with the intent of adhering to, and being subject to the administrative jurisdiction of, the Synodical Committee for the Coptic Churches in Immigration.

C.16:20-2 Applicability of act.

2. This act applies to any unincorporated church in this State and any unincorporated diocese or archdiocese located in whole or in part in this State affiliated with the Coptic Orthodox Church and to any church, diocese or archdiocese heretofore incorporated in this State which desires to reincorporate pursuant to this act, except that nothing shall prevent or prohibit any church, diocese or archdiocese heretofore incorporated in this State affiliated with the Coptic Orthodox Church from maintaining and continuing that affiliation enjoyed at the time of the effective date of this act

should that church, diocese or archdiocese determine not to reincorporate pursuant to this act.

C.16:20-3 Procedure for becoming incorporated as a church.

3. An unincorporated church in this State may become incorporated as a church by executing, acknowledging and filing a certificate of incorporation, stating the corporate name by which that church shall be known in the county and municipality where its principal place of worship is, or is intended to be located. A certificate of incorporation of an unincorporated church in this State shall be executed and acknowledged by the Bishop of the Coptic Orthodox Diocese in which its place of worship is located and by two or more persons who shall be appointed by the bishop from among the priests and deacons of that church. Upon filing that certificate of incorporation, that church shall be a corporation by the name stated in the certificate.

C.16:20-4 Procedure for reincorporating a church.

4. Any church heretofore incorporated in this State, with the consent of the Bishop of the Coptic Orthodox Diocese in which its place of worship is located, may reincorporate under the provisions of this act by filing in the office of the Secretary of State, and a copy thereof in the office of the county clerk in the county in which its principal place of worship is located, a certificate, signed by the trustees in office at the time of that reincorporation, in which the majority of those trustees set forth that they desire to reincorporate under the provisions of this act. The certificate shall include the corporate name by which that church shall be known, the county and municipality where its principal place of worship is located, and the names of the bishop and two or more persons appointed by the bishop from among the priests and deacons of that church, who shall constitute the initial board of trustees of the church. Immediately upon the filing of that certificate all the right, title, equity and interest of that church in any estate, real or personal, together with all franchise and charter rights, shall be vested in the body corporate so created under this act and the original incorporation of that church shall be null and void.

C.16:20-5 Incorporation of diocese, archdiocese.

5. Any diocese or archdiocese of the Coptic Orthodox Church located in whole or in part in this State may become incorporated as a diocese or archdiocese under the provisions of this act by filing in the Office of the Secretary of State a certificate of

incorporation. A certificate of incorporation of a diocese or archdiocese shall be executed and acknowledged by the Bishop of the Coptic Orthodox Church, or the Archbishop of the Coptic Orthodox archdiocese, and by two or more persons who shall be appointed by the bishop from among the priests and deacons of that diocese or archdiocese. Upon filing that certificate of incorporation, that diocese or archdiocese shall be a corporation by the name stated in the certificate.

C.16:20-6 Trustees of church.

6. The Bishop of the Coptic Orthodox Diocese in which the place of worship of an incorporated church in this State is located and his successors in office shall, by virtue of his office, be a trustee of that church. Two or more persons selected by the bishop from among the priests and deacons of that church in the manner provided from time to time by rules and regulations of the Coptic Orthodox Church adopted by the Synodical Committee for the Coptic Churches in Immigration shall also be trustees of that incorporated church, and the bishop and other such persons shall together constitute the board of trustees thereof. The bishop and other persons signing the certificate of incorporation shall be the trustees of that church for the first year or until their successors are selected according to the rules, statutes, regulations and usages of the Coptic Orthodox Church adopted by the Synodical Committee for the Coptic Churches in Immigration. The trustees of every church in this State shall have the custody and control of all temporalities and property, real and personal, belonging to that church and of the revenues therefrom and shall administer them in accordance with the rules, statutes, regulations and usages of the Coptic Orthodox Church adopted by the Synodical Committee for the Coptic Churches in Immigration, except that no act or proceeding of the trustees of any such incorporated church shall be valid without the approval of the bishop of the diocese in which the place of worship of that church is located, or in case of his absence or inability to act, without the approval of the vicar of that diocese.

C.16:20-7 Division of parish, transfer of assets.

7. Whenever a Coptic Orthodox parish shall be duly divided by the Bishop of the Coptic Orthodox Diocese in which the parish is located into two parishes within that diocese, then the bishop or his successor shall have the right and power, by himself and independently of any action or consent on the part of the trustees of the original church corporation to transfer assets, with or without

valuable consideration, from the original church corporation to the new or second church corporation. That transfer shall be made by the bishop or his successor after having complied with the requirements imposed upon the trustees of any religious corporation under Title 16 of the Revised Statutes before making a transfer of church property.

8. This act shall take effect immediately.

Approved June 24, 1993.

CHAPTER 149

AN ACT establishing a New Jersey Council of Economic Advisors, making an appropriation, supplementing Title 52 of the Revised Statutes and repealing P.L.1966, c.129 and section 11 of P.L.1981, c.122.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

C.52:9H-34 Findings, declarations.

1. The Legislature finds and declares that:

a. The economic well-being of the citizens of the State of New Jersey is directly affected by the actions of government at all levels;

b. The quality of public policy and the benefits it provides to the citizens will be enhanced significantly through the availability of timely, objective analyses of the condition of the economy;

c. The formulation of public policy will benefit from a fuller understanding of the structure of the State's economy and its competitive position relative to other states and regions;

d. Fiscal policy is highly sensitive to economic conditions and will be enhanced through improved economic analyses and forecasts;

e. The functioning of the Legislative and the Executive branches of government will be enhanced by the existence of an independent advisory council composed of knowledgeable experts given the resources necessary to provide sophisticated, timely, and objective economic analyses;

f. An advisory council dealing with economic affairs will contribute to improving the quality of decision-making in both the public and private sectors, with long-term benefits for all of the State's citizens; and

g. A permanent advisory council composed of economic experts reporting directly and independently to the Legislature, the Executive Branch of government and the public, will best provide the objective and timely analyses needed to assure that public policy yields the optimum economic benefits for all of the State's citizens.

C.52:9H-35 New Jersey Council of Economic Advisors established.

2. a. There is established in, but not of, the Department of Commerce and Economic Development, a council to be known as the "New Jersey Council of Economic Advisors." The council shall consist of five members. One member shall be appointed by the Governor; one member shall be appointed by the President of the Senate; one member shall be appointed by the Minority Leader of the Senate; one member shall be appointed by the Speaker of the General Assembly; and one member shall be appointed by the Minority Leader of the General Assembly.

b. In appointing the council members, the appointing authorities shall select individuals who have knowledge, expertise, and practical experience in economic analyses.

c. Members of the council shall serve for a term of three years. Each member shall hold office for the term of his appointment and until his successor shall have been appointed. Any vacancy during a term shall be filled in the same manner as the original appointment but only for the balance of the unexpired term. A member's term shall be coterminous with that of the appointing authority, for a period not to exceed three years, except that members shall be eligible for reappointment to successive terms. Any member of the council may be removed for cause by the appointing authority. The members shall serve without compensation but shall be reimbursed for necessary expenses incurred in the performance of their duties, subject to the availability of funds therefor.

d. The council shall organize as soon as may be practicable following the appointment of its members. The member appointed by the Governor shall serve as chairperson of the council, except that in the absence of the Governor's appointee the member of the council with the most seniority shall serve as acting chairperson. The council may formulate and adopt rules of procedure and operation in furtherance of its responsibilities. The council may meet and hold hearings at such places and times as it shall designate.

e. The council shall select and fix the compensation of a secretary, who shall serve as the director. The secretary shall not be a member of the council. The secretary's term of appointment shall be for a period of three years, except that the council may, by a simple majority, terminate that appointment prior to the conclusion of the three-year period. The council may also employ and fix the compensation of such other expert and clerical staff as it may deem appropriate, within the limits of funds appropriated or otherwise made available to it.

C.52:9H-36 Council's duties.

3. The council shall:

a. Submit to the Governor and the Legislature a comprehensive annual report analyzing current economic conditions and forecasting future economic trends, which report shall be submitted not later than January 31 of each year.

b. Submit to the Governor and the Legislature and any executive department or agency of State government such special and supplementary reports as it deems appropriate in accordance with the purposes of this act.

c. Assist the members of the Senate Budget and Appropriations Committee and the Assembly Appropriations Committee, or their successors, during their appropriations hearings and deliberations, by providing to these committees, by May 15 of each year, forecasts of economic conditions for the coming fiscal year.

d. Assist the Governor in the preparation of his annual budget message, by providing the Governor, by November 15 of each year, forecasts of economic conditions for the coming fiscal year.

e. Assist the State Revenue Forecasting Advisory Commission by providing it timely analyses of current and anticipated future economic conditions.

f. Advise the Governor and the Legislature and any executive department or agency of the State government on issues involving the use of economic data and explain the methodologies utilized to analyze this data.

g. Make available for public dissemination all official copies of reports, with supporting analyses and data, following their submission to the Governor, or the Legislature or its committees.

C.52:9H-37 Powers of council.

4. a. The council shall be entitled to call to its assistance and avail itself of the services of employees of any State, county or municipal department, board, bureau, commission or agency as it may require

and as may be available to it for its purposes, and to employ counsel and stenographic and clerical assistants and incur traveling and other miscellaneous expenses as it may deem necessary, in order to perform its duties, and as may be within the limits of funds appropriated or otherwise made available to it for its purposes.

b. The council may make use of existing studies, surveys, data and other materials in the possession of any State agency, other than the records and files of the Director of the Division of Taxation that are confidential under R.S.54:50-8, and such material in the possession of any county, municipality or political subdivision of the State. Each State agency, county, municipality and political subdivision of the State shall make any information or materials available to the council as it may require to perform its responsibilities under this act.

c. The Attorney General shall provide legal assistance to the council.

Repealer.

5. P.L.1966, c.129 (C.52:18A-125 et seq.) and section 11 of P.L.1981, c.122 (C.52:27H-11) are repealed.

6. There is appropriated $75,000 for the purposes of the council for the first fiscal year. In addition, subject to the approval of the Commissioner of Commerce and Economic Development, the council may accept and administer for the State any grant, gift, or bequest to be applied, principal or income, or both, for the purpose specified in such grant, gift, or bequest, to the maintenance and use of any service in, or activity of, the council.

7. This act shall take effect immediately.

Approved June 24, 1993.

CHAPTER 150

AN ACT providing for employer tax incentives for participation in ride-sharing programs, and supplementing Chapter 26A of Title 27 of the Revised Statutes.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

C.27:26A-15 Tax credit for providing commuter transportation benefits.

1. a. An affected employer that is a taxpayer subject to the provisions of the Corporation Business Tax Act (1945), P.L.1945, c.162 (C.54:10A-1 et seq.), the "Financial Business Tax Law (1946)," P.L.1946, c.174 (C.54:10B-1 et seq.), "The Savings Institution Tax Act," P.L.1973, c.31 (C.54:10D-1 et seq.), the tax imposed on marine insurance companies pursuant to R.S.54:16-1 et seq., the tax imposed on fire insurance companies pursuant to R.S.54:17-4 et al., the tax imposed on insurers generally, pursuant to P.L.1945, c.132 (C.54:18A-1 et seq.), the public utility franchise tax, public utilities gross receipts tax and public utility excise tax imposed pursuant to P.L.1940, c.4, and P.L.1940, c.5 (C.54:30A-16 et seq. and C.54:30A-49 et seq.), or that is a taxpayer in respect of a distributive share of partnership income under the "New Jersey Gross Income Tax Act," N.J.S.54A:1-1 et seq., which provides commuter transportation benefits as defined in section 3 of P.L.1992, c.32 (C.27:26A-3) shall be allowed a credit against that tax equal to 5% of the cost of commuter transportation benefits for the relevant accounting or privilege period, as appropriate, subject to the limitations of subsection b. of this section. For accounting or privilege periods beginning on or after January 1, 1995, but ending not later than December 31, 2004, the credit allowed under this section shall be 10% of the cost of commuter transportation benefits for the relevant accounting or privilege period, as appropriate, subject to the limitations of subsection b. of this section. In the case of a taxpayer receiving partnership income, an offset against that income subject to the limitations in paragraph (5) of subsection b. of this section shall be considered the credit.

b. (1) The credit granted a taxpayer for an accounting or privilege period shall not exceed the per employee limit multiplied by the number of employees participating in alternative means of commuting at the work location. The per employee limit shall be $36 for the accounting or privilege periods beginning on and after January 1, 1994 but before January 1, 1995, and $72 for those periods thereafter. For those periods beginning on or after January 1, 1995, the Director of the Division of Taxation, in the Department of the Treasury, shall adjust the limit, rounded down to the nearest dollar, in proportion to the change in the average consumer price index for all urban consumers in the New York and Northeastern New Jersey and the Philadelphia areas, as reported by the United States Department of Labor, from calendar year 1994 to the calendar year ending immediately before the appropriate period.

(2) The taxpayer may only claim a credit for providing commuter transportation benefits based upon a direct expenditure made after the taxpayer has registered with the department as prescribed in subsection c. of section 5 of P.L.1992, c.32 (C.27:26A-5); provided that a taxpayer shall continue to be eligible for the credit as long as the taxpayer remains in substantial compliance with subsections d., e., f. and h. of section 5 of P.L.1992, c.32 (C.27:26A-5); and provided further that the commissioner may allow additional time for the taxpayer to comply with subsections d., e., f. and h. of section 5 of P.L.1992, c.32 (C.27:26A-5) before a credit amount is disallowed for an affected employer; however, a credit amount shall be disallowed if the taxpayer fails to comply with section 5 of P.L.1992, c.32 (C.27:26A-5) within three years from the due date of the tax return reflecting a liability against which a credit was claimed.

(3) The amount of the credit allowed under this section for an accounting or privilege period shall not exceed 50% of the tax liability which would be otherwise due for any one of the taxes enumerated in subsection a. of this section after first applying the credits, if any, allowed under any other law and shall not reduce the amount of tax liability to less than the statutory minimum provided in subsection (e) of section 5 of P.L.1945, c.162 (C.54:10A-5), section 3 of P.L.1946, c.174 (C.54:10B-3) or section 3 of P.L.1973, c.31 (C.54:10D-3), as may be applicable.

(4) A taxpayer having liability for more than one of the taxes enumerated in subsection a. of this section for an accounting or privilege period shall allocate the credit amount available for that period to the liabilities for that period in the proportion that each liability bears to the total of the liabilities for that period, and each apportioned amount of credit shall be applied to only one amount of liability.

(5) A partnership shall not be allowed a credit under this section directly. A partnership shall be entitled to reduce total partnership income distributed to the partners and subject to tax under subsection k. of N.J.S.54A:5-1 by the lesser of 71.5 percent of the amount of commuter transportation benefits provided pursuant to law or $515 for each employee receiving such benefits. For accounting and privilege periods beginning on or after January 1, 1995, but

ending no later than December 31, 2004, the reduction to partnership income allowed under this section shall be the lesser of 143 percent of the cost of commuter transportation benefits provided or $1,030 for each employee receiving such benefits for the relevant accounting or privilege period, as appropriate, subject to the limitations of subsection b. of this section.

c. Each employee who receives money towards commuter transportation benefits from the employee's employer as an advance, a reimbursement, or both, shall furnish suitable proof to the employer, in the form of receipts, ticket stubs or the like, that the employee utilized monies provided by the employer for an alternative means of commuting, as defined pursuant to section 3 of P.L.1992, c.32 (C.27:26A-3).

d. For the purposes of verifying eligibility for the credit, the commissioner shall certify to the Director of the Division of Taxation a list of those employers which have registered with the department, or have an approved compliance plan or an approved amended compliance plan. The list shall be provided to the Director of the Division of Taxation within 90 days of registration and within 210 days of each submission of a compliance plan or each amended compliance plan.

e. The taxpayer shall file with the department a schedule of the expenditures for which the taxpayer has claimed a credit pursuant to this section on any tax return filed with the Director of the Division of Taxation, in such form and pursuant to such rules as shall be prescribed by the commissioner in consultation with the Director of the Division of Taxation. The department shall provide the Director of the Division of Taxation with the schedule and such other information as is required pursuant to subsection j. of section 5 of P.L.1992, c.32 (C.27:26A-5).

2. This act shall take effect immediately and be applicable to accounting and privilege periods beginning on and after January 1, 1994 and the provisions of this act shall not apply to accounting or privilege periods ending after December 31, 2004.

Approved June 24, 1993.

CHAPTER 151

AN ACT to validate certain proceedings for the issuance of bonds of school districts and any bonds or other obligations issued or to be issued pursuant to such proceedings.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. All proceedings heretofore had or taken by any school district or at any school election for the authorization or issuance of bonds of the school district issued or to be issued in pursuance of any proposal adopted by the legal voters at such election, are hereby ratified, validated and confirmed, notwithstanding that separate polling places for each 500 persons or fraction thereof who had voted at the two preceding annual school elections were not provided as required by the provisions of N.J.S.18A:24-5; provided, however, that no action, suit or other proceeding has heretofore been instituted prior to the date on which this act takes effect and within the time fixed therefor by or pursuant to law or rule of court, or when such time has not heretofore expired, is instituted within 15 days after the effective date of this act.

2. This act shall take effect immediately.

Approved June 25, 1993.

CHAPTER 152

AN ACT concerning certain sanitary landfill facilities, and amending P.L.1975, c.326.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. Section 19 of P.L.1975, c.326 (C.13:1E-28) is amended to read as follows:

C.13:1E-28 Annual payment to host municipality.

19. a. Any municipality within which a sanitary landfill facility is located pursuant to an adopted and approved district solid waste management plan shall be entitled to an annual economic benefit not less than the equivalent of $1.00 per ton of solids on all solid waste accepted for disposal at the sanitary landfill facil-

ity during the previous calendar year as determined by the department.

The owner or operator of the sanitary landfill facility shall annually pay to the relevant municipality the full amount due under this subsection and each relevant municipality is empowered to anticipate this amount for the purposes of preparing its annual budget. For the purposes of calculating the payments, the owner or operator of the sanitary landfill facility may, subject to the prior agreement of the relevant municipality and the approval of the Department of Environmental Protection, provide the municipality with any of the following benefits in consideration for the use of land within its municipal boundaries as the location of a sanitary landfill facility:

(1) The receipt of annual sums of money in lieu of taxes on the land used for the sanitary landfill facility;

(2) The exemption from all fees and charges for the disposal of solid waste generated within its boundaries;

(3) The receipt of a lump sum cash payment; or

(4) Any combination thereof.

b. Any municipality that:

(1) Has a population density of more than 1,500 persons per square mile, according to the latest federal decennial census; and

(2) Shares a common boundary with a municipality within which is located, pursuant to an adopted and approved district solid waste management plan, an operating sanitary landfill facility that is operated by a county and received more than 600,000 tons of solid waste in 1988, part of which common boundary is comprised of the boundary of the sanitary landfill facility, shall be entitled to an annual economic benefit in consideration for the proximity of the sanitary landfill facility. The annual economic benefit shall be not less than the equivalent of $0.50 per ton, and not more than $1.50 per ton, of all solid waste accepted for disposal at the sanitary landfill facility during the previous calendar year as determined by the department.

The owner or operator of the sanitary landfill facility shall annually pay to every municipality qualifying under this subsection the full amount due under this subsection and each municipality qualifying under this subsection is empowered to anticipate this amount for the purposes of preparing its annual budget. For the purposes of calculating the payments, the owner or operator of the sanitary landfill facility may, subject to the prior agreement of a municipality qualifying under this subsection and the approval of the Department of Environmental Protection, provide each municipality qualifying under this subsection with any of the following benefits in consideration for the proximity of the sanitary landfill facility:

(1) The exemption from all fees and charges for the disposal of solid waste generated within its boundaries;

(2) The receipt of a lump sum cash payment; or

(3) any combination thereof.

c. Every owner or operator of a sanitary landfill facility required to make annual payments to a municipality pursuant to subsection a. of this section, or to a municipality qualifying pursuant to subsection b. of this section, may petition the Department of Environmental Protection for an increase in its tariff which reflects these payments. The department, within 60 days of the receipt of the petition, shall issue an appropriate order that these payments shall be passed along to the users of the sanitary landfill facility as an automatic surcharge on any tariff filed with, and recorded by, the department for the solid waste disposal operations of the facility.

d. In issuing any order required by this section, the Department of Environmental Protection shall be exempt from the provisions of R.S.48:2-21.

2. This act shall take effect immediately.

Approved June 28, 1993.

CHAPTER 153

AN ACT concerning prisoner furloughs and supplementing chapter 4 of Title 30 of the Revised Statutes.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

C.30:4-91.3b Furlough prohibited, prisoners, certain.

1. Notwithstanding the provisions of section 3 of P.L.1969, c.22 (C.30:4-91.3), the Commissioner of Corrections shall not authorize the participation of a prisoner in any furlough program administered by the Department of Corrections if that prisoner

has been convicted of a crime pursuant to N.J.S.2C:11-3, N.J.S.2C:11-4, N.J.S.2C:14-2, N.J.S.2C:15-1, N.J.S.2C:13-1, or subsection b. of N.J.S.2C:12-1.

2. This act shall take effect immediately.

Approved June 28, 1993.

CHAPTER 154

AN ACT concerning career service status for certain political subdivision employees and supplementing Title 11A of the New Jersey Statutes.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

C.11A:9-9.1 Examination requirement waived for certain local firefighters.

1. Notwithstanding the provisions of N.J.S.11A:9-9 or any other law, rule or regulation to the contrary, any person who was actively employed by a political subdivision as a firefighter or fire chief at the time of adoption of this title by the political subdivision and who had less than one year of continuous service in that position prior to the adoption of this title by the political subdivision shall continue to hold that position without having to pass an examination and shall have career service status. Nothing contained in this section shall require a political subdivision to rehire such a firefighter or fire chief who has been removed from that position.

2. This act shall take effect immediately and shall be retroactive to November 1, 1988.

Passed June 28, 1993.

CHAPTER 155

Note: In approving the following act, certain items were deleted or reduced by the Governor. For a statement of those items, see the Governor's statement appended to Senate Bill No. 2000, dated June 29, 1993.

AN ACT making appropriations for the support of the State Government and the several public purposes for the fiscal year ending June 30, 1994 and regulating the disbursement thereof.

ANTICIPATED RESOURCES FOR THE FISCAL YEAR 1993-94 GENERAL FUND

Undesignated Fund Balance, July 1, 1993	$672,037,000

Major Taxes

Sales	$3,920,000,000
Corporation Business	1,100,000,000
Motor Fuels	435,000,000
Motor Vehicle Fees	340,000,000
Transfer Inheritance	262,000,000
Cigarette	234,000,000
Insurance Premiums	243,000,000
Petroleum Products Gross Receipts	186,000,000
Public Utility Excise	130,000,000
Enhanced Tax Compliance Effort	126,000,000
Alcoholic Beverage Excise	74,000,000
Alcoholic Beverage Tax Compliance Effort.	10,000,000
Corporation Business--Banks and Financial Institutions	80,000,000
Realty Transfer	42,000,000
Savings Institutions	30,000,000
Motor Fuel Use--Motor Carrier	8,000,000
Business Personal Property	8,000,000
Pari-Mutuel	6,000,000
Tobacco Products Wholesale Sales	4,000,000
Total--Major Taxes	$7,238,000,000

Miscellaneous Taxes, Fees, Revenues

Executive Branch--	
Department of Agriculture:	
Animal Health--Laboratory Test Fees	$30,000
Fertilizer Inspection Fees	171,000
Milk Control Licenses and Fees	360,000
Other Animal, Plant Disease and Pest Control Fees	5,000
Department of Banking:	
Bank Assessments	2,581,000
Examination Fees	4,819,000
Licenses and Other Fees	1,796,000

New Jersey Cemetery Board	104,000
Department of Community Affairs:	
Affordable Housing and Neighborhood Preservation--Fair Housing	16,325,000
Boarding Home Fees	371,000
Construction Fees	5,000,000
Fire Safety	13,528,000
Housing Inspection Fees	5,167,000
Planned Real Estate Development Fees	828,000
Truth in Renting	33,000
Department of Education:	
Academy for the Advancement of Teaching and Administration	275,000
Katzenbach School for the Deaf--Tuition	3,248,000
Licensing Fees--Miscellaneous	1,900,000
Non-Public Schools Textbook Recoveries	500,000
State Board of Examiners	1,600,000
Department of Environmental Protection and Energy:	
Air Pollution Fees	5,900,000
Assessments - Cable TV	2,545,000
Assessments - Public Utility	18,323,000
Endangered Species Tax Check-Off	300,000
Environmental Cleanup Responsibility Act	4,000,000
Environmental Services Fund	3,672,000
Examination Licensing Fees	85,000
Freshwater Wetlands	1,000,000
Hazardous Waste Facilities Inspection	6,355,000
Hunters' and Anglers' License Fund	10,251,000
Marina Rentals	612,000
Marine Lands Management--Delineation and Title Determination	160,000
Miscellaneous Revenues	243,000
Morris Canal Fund	48,000
New Jersey Pilot Commissioners	73,000
New Jersey Pollutant Discharge Elimination System	14,500,000
New Jersey Water Supply Authority Debt Service Repayments	770,000
Parks Management	4,590,000
Pesticide Control	2,007,000
Radiation Protection	786,000
Shellfish and Marine Fisheries Management	166,000
Solid and Hazardous Waste Disclosure	900,000
Solid Waste - Fines	500,000
Solid Waste Management Fees	9,887,000
Toxic Catastrophe Prevention	1,555,000
Treatment Works	500,000
Underground Storage Tanks	1,400,000
Water Pollution Judgments	3,000,000
Water Supply Management	350,000
Department of Health:	
Animal Control Act	550,000

Consumer Health Penalties	640,000
Hospital Rate Setting	1,794,000
Rabies Control	453,000
Vital Statistics Registration	150,000
Department of Higher Education:	
Bond Interest Recoveries	334,000
Department of Human Services:	
Child Care Licensing/Adoption Law	70,000
Marriage License Fees	1,409,000
Medicaid Uncompensated Care - Acute	262,500,000
Medicaid Uncompensated Care - Psychiatric	163,300,000
Medicaid Uncompensated Care - UMDNJ	15,100,000
Patients' and Residents' Cost Recoveries:	
Developmental Disability	17,321,000
Psychiatric Hospitals	52,154,000
Special Residential Services	453,000
Title XIX Health Facility Rate Setting andInspection	300,000
Department of Insurance:	
Actuarial Services	1,500,000
Licensing and Enforcement	13,331,000
Real Estate Commission	3,500,000
Department of Labor:	
Licenses, Permits and Fines	2,238,000
Special Compensation Fund	1,497,000
Workers' Compensation Assessment	8,687,000
Department of Law and Public Safety:	
Amusement Games Control Fees	236,000
Athletic Control Board Fees	200,000
Beverage Licenses	2,000,000
Division of Consumer Affairs:	
General revenues:	
Charities Registration Section	15,000
Controlled Dangerous Substances	100,000
Legalized Games of Chance Control	325,000
Private Employment Agencies	358,000
Securities Enforcement Fund	85,000
Weights and Measures - General	105,000
Professional Examining Board Fees:	
State Board of Architects	851,000
State Board of Audiology and Speech - Language Pathology Advisory	128,000
State Board of Certified Public Accountants	870,000
State Board of Chiropractors	305,000
State Board of Cosmetology and Hairstyling	1,347,000
State Board of Dentistry	828,000
State Board of Electrical Contractors	432,000
State Board of Marriage Counselor Examiners	119,000
State Board of Master Plumbers	323,000
State Board of Medical Examiners	4,396,000
State Board of Mortuary Science	265,000
State Board of Nursing	2,137,000

State Board of Ophthalmic Dispensers and Ophthalmic Technicians	204,000
State Board of Optometrists	229,000
State Board of Orthotics and Prosthesis	50,000
State Board of Pharmacy	701,000
State Board of Physical Therapy	270,000
State Board of Professional Engineers and Land Surveyors	984,000
State Board of Professional Planners	242,000
State Board of Psychological Examiners	256,000
State Board of Public Movers and Warehousemen	238,000
State Board of Real Estate Appraisers	628,000
State Board of Respiratory Care	320,000
State Board of Shorthand Reporting	62,000
State Board of Social Work Examiners	639,000
State Board of Veterinary Medical Examiners	173,000
Drunk Driving Fines	1,098,000
FAIR Act Civil Penalties	5,400,000
Motor Vehicle Security--Responsibility Law Administration	8,209,000
Motor Vehicle Surcharge Program	22,288,000
Other Boating Fees	3,000
Photo Licensing	1,000,000
Pleasure Boat Licenses	2,200,000
Salvage Title Program	527,000
Securities Enforcement Fund	2,420,000
State Police - Fingerprint Fees	1,014,000
State Police - Other Licenses	299,000
State Police - Private Detective Licenses	220,000
Uninsured Motorists Program	3,455,000
Violent Crime Compensation	3,500,000
Department of Military and Veterans' Affairs:	
Soldiers' Homes	13,512,000
Department of State:	
Commissions	830,000
General Revenue--Fees	13,400,000
Department of Transportation:	
Air Safety Fund	1,000,000
Applications and Highway Permits	600,000
Autonomous Transportation Authorities	24,500,000
Interest on Purchase of Right of Way	144,000
Outdoor Advertising	240,000
Petitions and Motor Carrier Inspections	145,000
Department of the Treasury:	
Casino Fines	500,000
Coin-Operated Telephones	1,750,000
Escrow Interest - Construction Accounts	80,000
Nuclear Emergency Response Assessment	3,500,000
Public Utility Gross Receipts and Franchise Taxes (Combined)	790,000,000

Public Utility Tax--Administration	250,000
Railroad Tax - Class II	2,300,000
Railroad Tax - Franchise	1,500,000
Surplus Property	100,000
Other Sources:	
Miscellaneous Revenue	1,000,000
Inter-Departmental Accounts:	
Administration and Investment of Pension Funds - Recoveries	35,000,000
Employee Maintenance Deductions	1,000,000
Fringe Benefit Recoveries from Colleges and Universities	45,500,000
Fringe Benefit Recoveries from Federal and Other Funds	90,000,000
Fringe Benefit Recoveries from School Districts	21,000,000
Indirect Cost Recovery - Federal	8,000,000
Rent of State Building Space	1,000,000
Social Security Recoveries from Federal and Other Funds	32,500,000
Judicial Branch--	
Court Fees	46,713,000
Total--Miscellaneous Taxes, Fees, Revenues	$1,908,518,000

Interfund Transfers

Beaches and Harbor Fund	$132,000
Clean Communities Account Fund	350,000
Clean Waters Fund	182,000
Community Development Bond Fund	20,000
Correctional Facilities Construction Fund	121,000
Correctional Facilities Construction Fund (Act of 1987)	1,739,000
Cultural Center and Historic Preservation Fund 1987	1,200,000
Dam Restoration and Clean Water Fund 1992	3,000
Emergency Flood Control Fund	141,000
Energy Conservation Fund	1,152,000
Farmland Preservation Fund	142,000
Farmland Preservation Fund 1989	11,000
Farmland Preservation Fund 1992	2,000
Fund for the Support of Free Public Schools	6,300,000
General Trust Funds	1,000
Hazardous Discharge Fund	363,000
Hazardous Discharge Site Cleanup Fund	12,167,000
Higher Education Buildings Construction Fund (Act of 1971)	5,000
Historic Preservation Fund 1992	3,000
Housing Assistance Fund	91,000
Human Services Facilities Construction Fund	129,000
Institutional Construction Fund	1,000
Institutions Construction Fund	2,000
Jobs, Education and Competitiveness Fund	4,000,000

Jobs, Science and Technology Fund	247,000
Medical Education Facilities Fund	7,000
Mortgage Assistance Fund	524,000
Motor Vehicle Security Responsibility Fund	6,000
New Jersey Bridge Rehabilitation and Improvement and Railroad Right-of-Way Preservation Fund	1,132,000
Natural Resources Fund	480,000
New Jersey Bridge Rehabilitation and Improvement Fund	500,000
New Jersey Green Acres Fund (1983)	750,000
New Jersey Green Acres Fund (1992)	17,000
New Jersey Green Trust Fund (1992)	19,000
New Jersey Health Care Trust Fund	22,550,000
New Jersey Spill Compensation Security Fund Administrative Costs	18,055,000
Outstanding Checks (6 years and over)	2,350,000
Outstanding Checks Account	600,000
Pollution Prevention Fund	1,000,000
Public Buildings Construction Fund	7,000
Public Purpose and Community-Based Facilities Construction Fund	1,501,000
Public Purpose Buildings Construction Fund	483,000
Resource Recovery Investment Fund	420,000
Safe Drinking Water Fund	1,750,000
Sanitary Landfill Facility Contingency Fund	190,000
School Fund Investment Account	2,294,000
Shore Protection Fund	405,000
Solid Waste Services Tax Fund	70,000
State Disability Benefit Fund General Account	24,823,000
State Land Acquisition and Development Fund	32,000
State Lottery Fund	580,000,000
State Lottery Fund Administration	17,932,000
State Recreation and Conservation Land Acquisition Fund (Act of 1971)	160,000
State Recreation and Conservation Land Acquisition and Development	116,000
State Recycling Fund	748,000
State of New Jersey Cash Management Fund	1,773,000
Stormwater Management and Combined Sewer Overflow Abatement Fund	420,000
Transportation Rehabilitation and Improvement Fund of 1979	620,000
Unclaimed Personal Property Trust Fund	42,000,000
Unemployment Compensation Tax Auxiliary Fund	11,114,000
Unsatisfied Claim and Judgment Fund	1,639,000
Wage and Hour Trust Fund	75,000
Wastewater Treatment Fund - 1992	10,000
Water Conservation Fund	205,000
Water Supply Fund	10,704,000
Worker and Community Right to Know Fund	3,189,000
Total--Interfund Transfers	$779,174,000

Total Revenues, General Fund	$9,925,692,000
Less: Transfer to Surplus Revenue Fund	*(88,500,000)*
Less: Transfer to Taxpayer Relief Fund	*(150,000,000)*
Total Resources, General Fund	$10,359,229,000

SURPLUS REVENUE FUND

Undesignated Fund Balance, July 1, 1993	$67,000,000
Transfer from General Fund	88,500,000
Total Resources, Surplus Revenue Fund	$155,500,000

TAXPAYER RELIEF FUND

Undesignated Fund Balance, July 1, 1993	$150,000,000
Total Resources, Taxpayer Relief Fund	$150,000,000

PROPERTY TAX RELIEF FUND

Undesignated Fund Balance, July 1, 1993	$109,167,000
Gross Income Tax	4,748,000,000
Total Resources, Property Tax Relief Fund	$4,857,167,000

GUBERNATORIAL ELECTIONS FUND

Undesignated Fund Balance, July 1, 1993	$0
Taxpayers' Designations	1,500,000
Total Resources, Gubernatorial Elections Fund	$1,500,000

CASINO CONTROL FUND

License Fees	$57,371,000
Total Resources, Casino Control Fund	$57,371,000

CASINO REVENUE FUND

Undesignated Fund Balance, July 1, 1993	$14,205,000
Gross Revenue Tax	281,000,000
Investment Income	2,000,000
Total Resources, Casino Revenue Fund	$297,205,000
Total Resources, All State Funds	$15,877,972,000

FEDERAL REVENUE

Department of Agriculture:	
Bridge Clerical Assistance	$8,000
Brucellosis Eradication	18,000
Cooperative Gypsy Moth Suppression	305,000
Cooperative Inspection Service	10,000
Fish Inspection Services	150,000
Food Distribution Administrative Expense Fund	86,000

Jobs Bill	1,139,000
Plant Pest Survey and Detection Program	34,000
Department of Commerce and Economic Development:	
Public Broadcasting Services	444,000
Department of Community Affairs:	
Child Development Associate Scholarship Assistance Grant	43,000
Community Food and Nutrition Program.	87,000
Community Services Block Grant - HHS.	10,622,000
Emergency Homeless Program	554,000
Emergency Shelter Grants Program	3,000,000
Housing Opportunities for People Everywhere (HOPE)	100,000
Lead-Based Paint Abatement in Low and Moderate Income Housing	8,000,000
Moderate Rehabilitation Housing Assistance	18,124,000
National Affordable Housing - HOME Investment Partnerships	25,000,000
National Community Volunteer Fire Prevention	20,000
Older Americans' Act Title III	28,240,000
Permanent Housing for the Handicapped Homeless	7,700,000
Project Care - National Eldercare Campaign	135,000
Rental Rehabilitation Assistance Program	7,296,000
Section 8 Existing Housing Rental Assistance	81,645,000
Section 8 Existing Housing Voucher Program	45,547,000
Senior Health Insurance Counseling Program	222,000
Small Cities Block Grant Program	15,275,000
Stripper Well Oil Overcharge - Petroleum Overcharge Reimbursement Fund	2,500,000
Transitional Housing--Homeless	2,200,000
USDA Older Americans Act Title III	3,900,000
Weatherization Assistance Program	4,993,000
Department of Corrections:	
Incarcerated Mariel-Cubans Reimbursement Program	163,000
Various Federal Programs	62,000
Department of Education:	
AIDS Prevention Education - Administration	350,000
Adult Basic Education - Administrative...	8,971,000
Bilingual Education, SEA Project - Coordinating Technical Assistance	125,000
Bilingual and Compensatory Education - Homeless Children and Youth	800,000
Byrd Scholarship Program	276,000
Career Education - Research and Development Project Grant	300,000
Child Care - Programmatic	25,600,000
Child Nutrition Programs - Programmatic	86,770,000
Civil Rights - Technical Assistance and Training	619,000
Comprehensive Health	250,000
Consumer and Useful Homemaking Education -Administration	986,000
Deaf/Blind Children - Services	503,000
Drug-Free Schools and Communities - Administration	13,158,000
Early Intervention	207,000

Education Consolidation and Improvement Act--Chapter 1, Administration	1,845,000
Education Consolidation and Improvement Act--Chapter 1, Disadvantaged	184,000,000
Education Consolidation and Improvement Act--Chapter 1, Expenses for Private School Children	2,576,000
Education Consolidation and Improvement Act--Chapter 1, State Institutions, Handicapped	1,911,000
Education Consolidation and Improvement Act--Chapter 1, State Institutions, Handicapped	2,550,000
Education Consolidation and Improvement Act--Chapter 1, State Program Improvement Grants	650,000
Elementary and Secondary Education Act, Chapter 2, Grant--Administration	12,626,000
Elementary and Secondary Education Act, State Institutions, Delinquent	1,602,000
Education for Economic Security Act (EESA) Title II - Administration	5,612,000
Emergency Immigrants Education Assistance - Program	1,189,000
Even Start Family Literacy Grant	2,471,000
Foreign Language Assistance	288,000
IDEA, Title VI, Handicapped-Administration	83,030,000
Job Training Partnership Act, Title II	3,737,000
Library Services and Construction Act--Title I--Administration	2,976,000
Library Services and Construction Act--Title II Programmatic	450,000
Library Services and Construction Act--Title III Interlibrary Cooperation	702,000
Math Science Framework (Eisenhower)	206,000
Mathematics Curriculum Framework (Eisenhower)	264,000
Migrant Educational Program - Administration	1,135,000
New Jersey Partnership for Transition(Adm./Discr.)	500,000
Nutrition Education Training Program	300,000
Preschool Incentive Grant - Administration	13,981,000
REACH/Jobs	200,000
School Breakfast - Administration	11,075,000
Special Milk	1,310,000
Statewide Database	2,500,000
Statewide Systemic Initiative - Administration/Discretionary	2,000,000
Substance Abuse Coordinator - Discretionary	5,200,000
Summer Programs - Programmatic	7,460,000
Supplementary Facilities Equipment	350,000
Training Personnel - P2R Special Education	267,000
Various Federal Programs	350,000
Veterans Readjustment Benefits	235,000
Vocational Education--Basic Grants-Administration	11,604,000
Vocational Education - Community Based Organizations - Administration	293,000
Vocational Education Technical Preparation - Title III-E	3,207,000
Vocational Education - Title II - Programmatic	14,450,000
Workplace Literacy Partnership	450,000

Department of Environmental Protection and Energy:

Air Pollution Maintenance Program	7,000,000
Air Quality and Motor Vehicles	3,020,000
Artificial Reef Program	120,000
Atlantic Sturgeon Investment and Management	30,000
CERCLA Grants	1,000,000
Clean Lakes Program	3,000,000
Clean Streets/Clean Beaches	85,000
Clean Water State Revolving Fund	82,000,000
Coastal Wetland Protection and Restoration Grant	1,000,000
Coastal Zone Management 4th Year Implementation	2,500,000
Communications - Pinelands	25,000
Community Assistance Program	150,000
Comprehensive Wetlands Mitigation	75,000
Consolidated Forest Management	1,560,000
Construction Grants Program	1,100,000
Construction Loan Revolving Fund	110,000,000
Delaware Bay Estuary Program	75,000
Division of Gas Expansion	250,000
Drinking Water State Revolving Fund	12,000,000
Emergency Planning Right To Know	100,000
Endangered Species E-1-6	110,000
Energy Extension Service	150,000
Environmental Education	100,000
Environmental Monitoring Program	67,000
Forest Health Monitoring	20,000
Forest Legacy	1,500,000
Forest Resource Management - Cooperative Forest Fire Control	675,000
GIS/Pollution Prevention II	120,000
Gypsy Moth Suppression	100,000
Hazardous Waste--Resource Conservation Recovery Act	4,241,000
Health Care Financing-Screening Mammography Services DEPE/DOH	250,000
Heating Oil and Propane	15,000
Historic Preservation - Acquisition and Development	900,000
Hunter Safety Training	600,000
Hunters' and Anglers' License Fund	4,800,000
Institutional Conservation Program - Schools and Hospitals	500,000
Interjurisdictional Enforcement	25,000
Inventory of New Jersey Surf Clam Resources	140,000
Land and Water Conservation Fund	2,500,000
Marine Access--Oyster Creek Marina	450,000
Marine Fisheries Field Office Improvements	270,000
Marine Fisheries Investigation and Management	1,000,000
Medical Waste Operations	850,000
Monitoring and Planning	1,600,000
Municipal Water Pollution Prevention (104B3)	50,000
New Jersey Discharge Elimination System Implementation Support Program	2,000,000

New York/New Jersey Harbor Estuary Program	490,000
National Geologic Mapping Program	400,000
Natural Resources Infrastructure Repair	1,000,000
Non-Point Source Implementation Grant	2,000,000
North American Wetlands	3,300,000
Northeast Regional Biomass Program	60,000
Pesticide Technology	486,000
Pinelands Acquisition Grant	3,000,000
Pollution Prevention Incentive	450,000
Publicly Owned Treatment Works Diagnostic	25,000
Radon Program	900,000
Routine Compliance Testing for Diagnostic X-Ray System	12,000
Rural Community Fire Protection Program	40,000
Safe Drinking Water Act	1,500,000
Salem River Meadows	2,000,000
Small Business Administration - Tree Planting	1,000,000
Small Business Pollution Prevention	500,000
State Energy Conservation Program	900,000
State/EPA Data Management Program	250,000
Stewardship Administration	10,000
Stock Assessment of New Jersey Offshore Fisheries	350,000
Striped Bass Investigation Tagging	61,000
Stripper Well Oil Overcharge - Petroleum Overcharge Reimbursement Fund	3,700,000
Superfund Grants	100,000,000
Survey and Planning--Operational/State Administration	1,425,000
Underground Injection Control	100,000
Underground Storage Tanks--Trust Fund	3,800,000
Various Federal Programs	354,000
Water Pollution Control	3,276,000
Department of Health:	
AIDS Services Grants	18,316,000
Alcoholism, Drug Abuse and Addictive Services Grants	3,462,000
Childhood Lead Poisoning	90,000
Clinical Laboratory Improvement Amendments Programs	2,275,000
Community Health Services Grants	10,417,000
Community Youth Block Grant	45,000
Drug Abuse Campus Treatment Demonstration Project	9,255,000
Epidemiology and Disease Control Grants	13,185,000
Family Planning Program--Title X	3,200,000
HIV/AIDS Prevention and Education Grant	305,000
HIV/AIDS Surveillance Grant	118,000
Immunization Project	75,000
Maternal and Child Health--Block Grant	12,700,000
Medicare/Medicaid Inspections of Nursing Facilities	6,300,000
Pediatric EMS System Development for NJ	421,000
Preventative Health and Health Services - Block Grant	5,440,000
Substance Abuse Block Grant	47,692,000
Supplemental Food Program--W.I.C	113,000,000
Venereal Disease Project	317,000
Vital Statistics Grants	523,000

Department of Higher Education:	
Eisenhower Mathematics and Science Education Act	1,852,000
National Community Service Projects	6,581,000
National Health Service Corporation - State Loan Repayment Program	560,000
Paul Douglas Teaching Scholarship Program	464,000
State Student Incentive Grant Program	1,898,000
State Loan Administrative Cost Deduction and Allowance	16,565,000
Veterans Programs	226,000
Department of Human Services:	
AFDC Transitional Housing Demonstration Program	942,000
Aid to Families With Dependent Children Title IV-A	380,322,000
Carri Crisis Nursery Project	270,000
Challenge Grant (Children's Trust Fund)	396,000
Child Abuse and Neglect State Grant - Disabled Infants	210,000
Child Care and Development Block Grant	18,520,000
Child Support and Paternity-Title IV-D	73,509,000
Child Welfare-Title IV-B	7,685,000
Children's Justice Act	388,000
Community Care Waiver	65,634,000
Dependent Care Planning and Development	450,000
Developmental Disabilities Council	1,566,000
FSA Grant to Improve Child Care Licensing and Registration	379,000
Family Life Center 2	200,000
Family Violence Prevention and Services	270,000
Federal Independent Living	497,000
Food Stamp Program	53,645,000
Foster Care-Title IV-E	11,998,000
Foster Grandparents Program	900,000
Grassroots Adoptive Families	80,000
Headstart Collaboration Project	85,000
Juvenile Substance Abuse Services - Various	75,000
Low Income Energy Assistance Block Grant	56,091,000
Multi-Purpose Resource Center	450,000
National Center for Child Abuse and Neglect	1,016,000
National Center for Child Abuse and Neglect	536,000
New Jersey Consumer Movement Initiative	138,000
New Jersey HRD Psychosocial Rehabilitation Academic Linkage Project	125,000
Newark Reunification Project	100,000
Office of Prevention	936,000
Pediatric AIDS Grant Project	400,000
Projects for Assistance in Transition from Homelessness (PATH)	1,373,000
REACH Federal Title IV-F	32,673,000
Refugee Resettlement Program	5,396,000
SHSP Respite Program	270,000
Social Services Block Grant	86,536,000
State Legalization Impact Assistance Grant	2,002,000
Supplemental Security Income--Title XIV	400,000
Title IV A/E	8,589,000

Title IV-A, At Risk Child Care	8,323,000
Title XIX, ICFMR	155,141,000
Title XIX, Medical Assistance	2,173,312,000
Various Federal Programs	446,000
Vocational Rehabilitation	8,607,000
Department of Labor:	
Career Information, Military	66,000
Comprehensive Services for Independent Living	260,000
Current Employment Statistics	1,734,000
DVR Independent Living Program - Part B	343,000
Disabled Veterans' Outreach Program	3,882,000
Employment Services	23,500,000
Employment Services Grants - Alien Labor Certification	3,076,000
Job Training Partnership Act	81,477,000
Management and Administration - Federal	14,120,000
Mine Safety Educational Program	51,000
Occupational Safety Health Act - Migrant Labor	51,000
Occupational Institutional Coordinating Program	168,000
Occupational Safety Health 200-S Survey	127,000
Occupational Safety Health Act - On-Site Consultation	1,240,000
Old Age and Survivors Insurance - Disability Determination	36,050,000
Rehabilitation In-Service Training	52,000
Rehabilitation of Supplemental Security Income Beneficiaries	800,000
State Training Inventory	41,000
Supported Employment	715,000
Technology Related Assistance Project	548,000
Trade Adjustment Assistance Project	4,512,000
Unemployment Insurance	87,253,000
Vocational Rehabilitation Act of 1973	31,278,000
Department of Law and Public Safety:	
Age Discrimination Project	90,000
DHTS 403 Contracts	280,000
Domestic Marijuana Eradication Suppression Program	100,000
Drug Enforcement Administration and Grants	12,549,000
Drunk Driver Prevention	800,000
Earthquake Preparedness Grant	150,000
Emergency Management Training and Education	2,450,000
Enhancement of Data Analysis Center	60,000
Fatal Accident Reporting System - Control	75,000
Federal Highway Safety Program - State Match	5,124,000
Hazard Mitigation Program	25,000
Hazardous Emergency Response Right To Know Computerizations	97,000
Heavy Truck Enforcement	68,000
JJDP Advisory Board	16,000
Juvenile Justice Administration and Grants	1,652,000
Maintenance and Services	750,000
Medicaid Fraud Unit	1,900,000
Motorcycle Occupant	700,000
National Shelter Survey	75,000
New Charge Resolution Project	494,000

Northeast Hazardous Waste Project - CERCLA	240,000
Northeast Hazardous Waste Project - RCRA	170,000
Nuclear Civil Protection Planning	275,000
Office of Justice Grant - Violent Crimes .	300,000
Operation Roadside.................................	10,035,000
Public Safety Answering Points 911	750,000
Radiological Defense Officer Project.......	75,000
Radiological Systems Maintenance	150,000
Recreational Boating Safety Financial Assistance	1,100,000
State of New Jersey Improvement Grant..	50,000
Title III--Hazardous Materials	250,000
Trauma Research - Highway Traffic Safety	1,000,000
United States Attorney General's Office - Violent Crimes Reduction Grant......................	950,000
Victim Assistance Grants.........................	2,100,000
Victim Compensation Award..................	1,442,000
Department of Military and Veterans' Affairs:	
Air National Guard - Service Contracts ..	641,000
Army Facilities - Service Contract..........	1,322,000
Army National Guard Statewide Security Agreement	583,000
Atlantic City Air Base - Service Contract	1,919,000
Atlantic City Operations and Maintenance	78,000
Fire Fighter/Crash Rescue Service Cooperative Funding Agreement	990,000
Hazardous Waste Environmental Protection Program	494,000
Maguire Air Force Base - Service Contract	1,663,000
Maguire Operations and Maintenance......	45,000
National Guard Communications Agreement	408,000
Training and Equipment Pool Sites	783,000
Transitional Outreach Programs and Services	100,000
Various Federal Programs	461,000
Department of the Public Advocate:	
Advocacy of the Developmentally Disabled	478,000
Clients Assistance Project.......................	243,000
Mental Health Protection and Advocacy .	497,000
New Home Owners Warranty Program ...	148,000
Department of State:	
Arts In School	250,000
Arts Programs.	25,000
Institute of Museum Services - General Support Grant	113,000
NEH New Jersey Newspaper Project	100,000
National Endowment for the Humanities - Afro-American Life in New Jersey	50,000
Southern New Jersey Arts Initiative.........	56,000
Various Federal Programs	598,000
Department of Transportation:	
Airport Fund	14,000,000
Highway Planning and Research.............	13,500,000
Metropolitan Planning Funds...................	5,100,000
Motor Carrier Safety Assistance Program	4,000,000

New Jersey Statewide Public Transportation Grant	3,000,000
Rail Freight Lines	1,000,000
Supportive Services Highway Construction Training Program	500,000
Interstate Program	75,351,000
Demonstration Program	70,323,000
Congestion Mitigation and Air Quality Program	53,911,000
National Highway System	78,671,000
Surface Transportation Program	107,134,000
Bridge Program	140,824,000
Discretionary Program	109,950,000
Federal Transit Administration	330,180,000
Judicial Branch:	
Early Court Intervention: A Research and Demonstration Project	23,000
Measurement of Trial Court Performance	28,000
Total -- Federal Revenue	$5,964,990,000
Grand Total Resources, All Funds	$21,842,962,000

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. The appropriations herein or so much thereof as may be necessary are hereby appropriated out of the General Fund, or such other sources of funds specifically indicated or as may be applicable, for the respective public officers and spending agencies and for the several purposes herein specified for the fiscal year ending on June 30, 1994. Unless otherwise provided, the appropriations herein made shall be available during said fiscal year and for a period of one month thereafter for expenditures applicable to said fiscal year. Unless otherwise provided, at the expiration of said one-month period, all unexpended balances shall lapse into the State Treasury or to the credit of trust, dedicated or non-State funds as applicable, except those balances held by encumbrances on file as of June 30, 1994 with the Director of the Division of Budget and Accounting or held by pre-encumbrances on file as of June 30, 1994 as determined by the Director of the Division of Budget and Accounting. The Director of the Division of Budget and Accounting shall provide the Legislative Budget and Finance Officer with a listing of all pre-encumbrances outstanding as of July 31, 1994 together with an explanation of their status. Nothing contained in this section or in this act shall be construed to prohibit the payment due upon any encumbrance or pre-encumbrance made under any appropriation contained in

New Jersey State Library

any appropriation act of the previous year or years. Furthermore, balances held by pre-encumbrances as of June 30, 1993 are available for payments applicable to Fiscal Year 1993 as determined by the Director of the Division of Budget and Accounting. The Director of the Division of Budget and Accounting shall provide the Legislative Budget and Finance Officer with a listing of all pre-encumbrances outstanding as of July 31, 1993 together with an explanation of their status. On or before December 1, 1993, the State Treasurer, in accordance with the provisions of section 37 of article 3 of P.L.1944, c.112 (C.52:27B-46), shall transmit to the Legislature the Annual Financial Report of the State of New Jersey for the fiscal year ending June 30, 1993, depicting the financial condition of the State and the results of operation for the fiscal year ending June 30, 1993.

DIRECT STATE SERVICES
LEGISLATIVE BRANCH
01 LEGISLATURE
70 Government Direction, Management and Control
71 Legislative Activities
0001 Senate

01-0001 Senate		$7,991,000
Total Appropriation, Senate		$7,991,000
Personal Services:		
Senators (40)	($1,412,000)	
Salaries and Wages	(2,876,000)	
Members' Staff Services	(2,800,000)	
Materials and Supplies	(132,000)	
Services Other Than Personal	(718,000)	
Maintenance and Fixed Charges	(30,000)	
Additions, Improvements and Equipment	(23,000)	

The unexpended balance as of June 30, 1993 in this account is appropriated.

0002 General Assembly

02-0002 General Assembly		$13,540,000
Total Appropriation, General Assembly		$13,540,000
Personal Services:		
Members (80)	($2,812,000)	
Salaries and Wages	(3,800,000)	
Members' Staff Services	(5,600,000)	
Materials and Supplies	(208,000)	
Services Other Than Personal	(975,000)	
Maintenance and Fixed Charges	(95,000)	
Additions, Improvements and Equipment	(50,000)	

The unexpended balance as of June 30, 1993 in this account is appropriated.

Total Appropriation, Legislature		$21,531,000

0003 Office of Legislative Services

03-0003 Legislative Support Services		$20,760,000
Total Appropriation, Office of Legislative Services		$20,760,000
Personal Services:		
Salaries and Wages	($13,453,000)	
Materials and Supplies	(1,144,000)	
Services Other Than Personal	(2,042,000)	
Maintenance and Fixed Charges	(2,213,000)	
Special Purpose:		
Affirmative Action and Equal Employment Opportunity	(23,000)	
Additions, Improvements and Equipment	(1,885,000)	

The unexpended balance as of June 30, 1993 in this account is appropriated.

Such sums as may be required for the cost of information system audits performed by the State Auditor are funded from the departmental data processing accounts of the department in which the audits are performed.

The sums appropriated for the continuation and expansion of data processing systems shall be available for the Legislature in order to plan, acquire and install a comprehensive electronic data processing system, including software acquisition and training in connection with the system, as the Legislative Services Commission shall determine. No funds shall be expended or otherwise made available except upon the approval of the Legislative Information Systems Committee of the Legislative Services Commission and the Commission. The Legislative Services Commission may authorize the expenditure of funds for such capital alterations as may be required to permit the installation of data processing equipment into the State House or State House Annex, including electrical service, climate control, and facility utilization.

Receipts derived from fees and charges for public access to legislative information systems, and the unexpended balances as of June 30, 1993 of such receipts are appropriated and shall be credited to a non-lapsing revolving fund established in and administered by the Office of Legislative Services for the purpose of continuing to modernize, maintain and expand the dissemination and availability of legislative information.

09 Legislative Commissions

0010 Intergovernmental Relations Commission

09-0010 Intergovernmental Relations Commission		$673,000
Total Appropriation, Intergovernmental Relations Commission		$673,000
Special Purpose:		
Expenses of Commission	($10,000)	
The Council of State Governments	(113,000)	
Atlantic States Marine Fisheries Commission	(22,000)	
National Conference of Commissioners on Uniform State Laws	(27,000)	
Education Commission of the States	(77,000)	
National Governors' Association	(172,000)	
Advisory Commission on Intergovernmental Relations	(7,000)	
National Conference of State Legislatures	(127,000)	
Governmental Accounting Standards Board	(29,000)	
Northeast-Midwest Research Institute	(43,000)	
Coalition of Northeastern Governors	(46,000)	

The unexpended balance as of June 30, 1993 in this account is appropriated.

0014 Joint Committee on Public Schools

09-0014 Joint Committee on Public Schools		$320,000
Total Appropriation, Joint Committee on Public Schools		$320,000
Special Purpose:		
Expenses of Commission	($320,000)	

The unexpended balance as of June 30, 1993 in this account is appropriated.

0018 State Commission of Investigation

09-0018 State Commission of Investigation.		$1,950,000
Total Appropriation, State Commission of Investigation		$1,950,000
Special Purpose:		
Expenses of Commission	($1,950,000)	

The unexpended balance as of June 30, 1993 in this account is appropriated.

0025 Commission to Study Sex Discrimination in the Statutes

09-0025 Commission to Study Sex Discrimination in the Statutes		$170,000
Total Appropriation, Commission to Study Sex Discrimination in the Statutes		$170,000
Special Purpose:		
Expenses of Commission	($170,000)	

The unexpended balance as of June 30, 1993 in this account is appropriated.

0026 Commission On Business Efficiency In The Public Schools

09-0026 Commission On Business Efficiency In The Public Schools		$60,000

Total Appropriation, Commission On Business Efficiency In The Public Schools		$60,000
Special Purpose:		
Expenses of Commission	($60,000)	

The unexpended balance as of June 30, 1993 in this account is appropriated.

0053 New Jersey Law Revision Commission

09-0053 New Jersey Law Revision Commission		$250,000
Total Appropriation, New Jersey Law Revision Commission		$250,000
Special Purpose:		
Expenses of Commission	($250,000)	

The unexpended balance as of June 30, 1993 in this account is appropriated.

0056 New Jersey Redistricting Commission

The unexpended balance as of June 30, 1993 in this account is appropriated.

0060 New Jersey Information Resources Management Commission

There are appropriated subject to the approval of the Director of the Division of Budget and Accounting such sums as may be required to support the New Jersey Information Resources Management Commission.

0058 State Capitol Joint Management Commission

09-0058 State Capitol Joint Management Commission		$1,700,000
Total Appropriation, State Capitol Joint Management Commission		$1,700,000
Special Purpose:		
Expenses of Commission	($1,700,000)	
Total Appropriation, Legislative Commissions		$5,123,000
Total Appropriation, Legislative Branch		$47,414,000

EXECUTIVE BRANCH

06 OFFICE OF THE CHIEF EXECUTIVE

07 Government Direction, Management and Control

76 Management and Administration

0300 Chief Executive's Office

01-0300 Executive Management		$4,992,000
Total Appropriation, Chief Executive's Office		$4,992,000
Personal Services:		
Salaries and Wages	($3,972,000)	
Materials and Supplies	(113,000)	
Services Other Than Personal	(654,000)	
Maintenance and Fixed Charges	(136,000)	

Special Purpose:		
Brian Stack Intern Program	(10,000)	
Allowance to the Governor of Funds Not Otherwise Appropriated, For Official Reception on Behalf of the State, Operation of an Official Residence and Other Expenses	(75,000)	
Additions, Improvements and Equipment	(32,000)	

The unexpended balance as of June 30, 1993 in this account is appropriated.

Total Appropriation, Chief Executive's Office	$4,992,000

10 DEPARTMENT OF AGRICULTURE

40 Community Development and Environmental Management

42 Natural Resource Management

01-3310 Animal Disease Control		$746,000
02-3320 Plant Pest and Disease Control		1,851,000
03-3330 Resource Development Services		1,633,000
Total Appropriation, Natural Resource Management		$4,230,000
Personal Services:		
Salaries and Wages	($2,095,000)	
Materials and Supplies	(128,000)	
Services Other Than Personal	(116,000)	
Maintenance and Fixed Charges	(115,000)	
Special Purpose:		
Gypsy Moth Control	(50,000)	
Beneficial Insect Laboratory	(570,000)	
State Soil Conservation Program	(275,000)	
Fish and Seafood Development and Promotion	(100,000)	
Future Farmers' Youth Development	(45,000)	
Agricultural Recycling Program	(186,000)	
Control-Plant Pest and Disease Control	(68,000)	
Agricultural Economic Analysis and Development Program	(186,000)	
Agricultural Right-to-Farm Program	(148,000)	
Agricultural Regulatory Mitigation/ Mediation Program	(148,000)	

Receipts from laboratory test fees are appropriated to support the animal health laboratory program.

The unexpended balance as of June 30, 1993 in the animal health laboratory program is appropriated for the same purpose.

Receipts from the sale or studies of beneficial insects are appropriated to support the Beneficial Insect Laboratory.

The unexpended balance as of June 30, 1993 in the Beneficial Insect Laboratory account is appropriated for the same purpose.

Receipts from the seed laboratory testing and certification programs are appropriated for program costs.

Receipts from the nursery inspection program are appropriated for program costs.

The unexpended balance as of June 30, 1993 in the Nursery Inspection Program account is appropriated for the same purpose.

Receipts derived from the Soybean Integrated Pest Management Program, and the unexpended balance as of June 30, 1993 are appropriated for the same purpose.

Receipts as a result of fee increases over and above those anticipated are appropriated for the same purpose.

Receipts from the Stormwater Discharge Permit program fees are appropriated for program costs.

The unexpended balance as of June 30, 1993 in the Stormwater Discharge Permit Program account is appropriated for the same purpose.

50 Economic Planning, Development and Security

51 Economic Planning and Development

06-3360 Marketing Services		$2,105,000
Total Appropriation, Economic Planning and Development		$2,105,000
Personal Services:		
Salaries and Wages	($615,000)	
Material and Supplies	(10,000)	
Services Other Than Personal	(46,000)	
Maintenance and Fixed Charges	(28,000)	
Special Purpose:		
Promotion/Market Development	(766,000)	
Wine Promotion Program	(30,000)	
Temporary Emergency Food Assistance Program	(388,000)	
Market Expansion Program	(222,000)	

Receipts derived from the distribution of commodities, sale of containers and salvage of commodities, in accordance with applicable federal regulations, and the unexpended balance of such receipts as of June 30, 1993, are appropriated for expenses of Commodity Distribution.

The unexpended balances as of June 30, 1993 in the Promotion/Market Development account are appropriated for the same purpose.

Revenues in excess of those anticipated and due to the Department of Agriculture from the alcoholic beverage excise tax for the preceding calendar year are appropriated for expenses of the Wine Promotion Program.

Receipts as the result of fee increases over and above those anticipated are appropriated for the same purpose.

52 Economic Regulation

04-3340 Dairy Industry Regulation		$455,000
05-3350 Other Commodity Regulation.........		689,000
Total Appropriation, Economic Regulation		$1,144,000
Personal Services:		
Salaries and Wages	($1,034,000)	
Materials and Supplies................................	(28,000)	
Services Other Than Personal......................	(57,000)	
Maintenance and Fixed Charges..................	(25,000)	

Receipts from Inspection fees derived from fruit, vegetable, fish and poultry inspections, and the unexpended balance as of June 30, 1993 of such receipts are appropriated for the cost of conducting fruit, vegetable, fish and poultry inspections.

Receipts as the result of fee increases over and above those anticipated are appropriated for the same purpose.

70 Government Direction, Management and Control

76 Management and Administration

99-3370 Management and Administrative Services		$1,535,000
Total Appropriation, Management and Administration		$1,535,000
Personal Services:		
Salaries and Wages	($1,153,000)	
Materials and Supplies................................	(13,000)	
Services Other Than Personal......................	(73,000)	
Maintenance and Fixed Charges..................	(30,000)	
Special Purpose:		
Expenses of State Board of Agriculture ..	(18,000)	
Affirmative Action and Equal Employment Opportunity..................	(28,000)	
Additions, Improvements and Equipment.....	(220,000)	
Total Appropriation, Department of Agriculture		$9,014,000

14 DEPARTMENT OF BANKING

50 Economic Planning, Development and Security

52 Economic Regulation

01-3010 Regulatory Affairs - Licensing, Applications and Consumer Affairs		$1,007,000
02-3020 Supervision and Examination of Financial Institutions		5,054,000
99-3040 Management and Administrative Services		658,000
Total Appropriation, Economic Regulation		$6,719,000
Personal Services:		
Salaries and Wages	($5,899,000)	
Materials and Supplies................................	(71,000)	

Services Other Than Personal	(617,000)	
Maintenance and Fixed Charges	(29,000)	
Special Purpose:		
Affirmative Action and Equal Employment Opportunity	(10,000)	
Additions, Improvements and Equipment	(93,000)	

The unexpended balance as of June 30, 1993 in the Pinelands Development Credit Bank account is appropriated for the same purpose.

Receipts in excess of anticipated revenues from examination and licensing fees, bank assessments, fines and penalties are appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

Total Appropriation, Department of Banking	$6,719,000

20 DEPARTMENT OF COMMERCE AND ECONOMIC DEVELOPMENT

30 Educational, Cultural and Intellectual Development

37 Cultural and Intellectual Development Services

10-2920 Public Broadcasting Services		$6,674,000
Total Appropriation, Cultural and Intellectual Development Services		$6,674,000
Personal Services:		
Salaries and Wages	($4,851,000)	
Materials and Supplies	(483,000)	
Services Other Than Personal	(605,000)	
Maintenance and Fixed Charges	(465,000)	
Special Purpose:		
Affirmative Action and Equal Employment Opportunity	(20,000)	
Grant From The State To Produce The Daily Lottery Drawing Program	(150,000)	
Additions, Improvements and Equipment	(100,000)	

50 Economic Planning, Development and Security

51 Economic Planning and Development

20-2800 Economic Development		$1,843,000
20-2830 Economic Development		172,000
20-2840 Economic Development		265,000
21-2850 International Trade		1,028,000
22-2860 Travel and Tourism		5,106,000
23-2880 Economic Research and Planning		592,000
26-2810 Development for Small Businesses and Women and Minority Businesses		1,293,000
99-2910 Management and Administrative Services		1,086,000
Total Appropriation, Economic Planning and Development		$11,385,000
Personal Services:		
Salaries and Wages	($4,898,000)	

Materials and Supplies	(136,000)
Services Other Than Personal	(491,000)
Maintenance and Fixed Charges	(117,000)
Special Purpose:	
Economic Development, Advertising and Promotion	(350,000)
International Trade, Advertising and Promotion	(100,000)
Trade Shows Missions and Promotions	(300,000)
Tourist Welcome Centers	(250,000)
Travel and Tourism, Advertising and Promotion	(4,200,000)
Small Business Development Center	(500,000)
Affirmative Action and Equal Employment Opportunity	(30,000)
Additions, Improvements and Equipment	(13,000)

The amount necessary to provide employer rebate awards as a result of the "New Jersey Urban Enterprise Zone Act," P.L.1983, c.303 (C.52:27H-60 et seq.), and the administrative costs incurred by the Department of Labor and the Division of Taxation to meet the statutory requirements of this program are appropriated from the Unemployment Compensation Auxiliary Fund, subject to the approval of the Director of the Division of Budget and Accounting.

The amounts hereinabove for the Economic Development, Advertising and Promotion account and the International Trade, Advertising and Promotion account shall be allocated between these programs as the Commissioner deems appropriate.

2890 New Jersey Commission on Science and Technology

24-2890 New Jersey Commission on Science and Technology		$398,000
Total Appropriation, New Jersey Commission on Science and Technology		$398,000
Personal Services:		
Salaries and Wages	($336,000)	
Materials and Supplies	(10,000)	
Services Other Than Personal	(41,000)	
Maintenance and Fixed Charges	(11,000)	
Total Appropriation, Department of Commerce and Economic Development		$18,457,000

22 DEPARTMENT OF COMMUNITY AFFAIRS

40 Community Development and Environmental Management

41 Community Development Management

01-8010 Housing Code Enforcement	$4,344,000
02-8020 Housing Services	4,110,000
04-8030 Local Government Services	2,324,000
06-8015 Uniform Construction Code	3,465,000

12-8025 Boarding Home Regulation and Assistance		1,271,000
18-8017 Uniform Fire Code		3,985,000
Total Appropriation, Community Development Management		$19,499,000
Personal Services:		
Board Members (7@ $12,000)	($84,000)	
Salaries and Wages	(13,455,000)	
Materials and Supplies	(232,000)	
Services Other Than Personal	(1,639,000)	
Maintenance and Fixed Charges	(1,038,000)	
Special Purpose:		
Prevention of Homelessness P.L.1984, c.180 (C.52:27D-280 et seq.)	(246,000)	
Truth in Renting	(40,000)	
Neighborhood Preservation-Fair Housing P.L.1985, c.222 (C.52:27D-301 et seq.)	(1,050,000)	
Council on Affordable Housing	(1,350,000)	
Local Fire Fighters' Training	(360,000)	
Additions, Improvements and Equipment	(5,000)	

The amount hereinabove for the Housing Code Enforcement program classification is payable out of the fees and penalties derived from bureau activities. If the receipts are less than anticipated, the appropriation shall be reduced proportionately.

The unexpended balance as of June 30, 1993 in the Housing Code Enforcement program classification, together with any receipts in excess of the amount anticipated are appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

The amount hereinabove for the Truth in Renting account is payable out of the revenue derived from the sale of Truth in Renting statements, including fees, fines, and penalties. If receipts are less than the amount anticipated, the appropriation shall be reduced proportionately.

Any receipts in excess of the amount anticipated for Truth in Renting are appropriated.

Receipts from the New Jersey Housing and Mortgage Finance Agency charges for the Affordable Housing Management Service to municipalities and the unexpended balance as of June 30, 1993 are appropriated for the operation of the Affordable Housing Management Service within the Division of Housing.

The amount hereinabove for the Council on Affordable Housing and Neighborhood Preservation-Fair Housing accounts are payable from the receipts of the portion of the realty transfer tax directed to be credited to the Neighborhood Preservation

Nonlapsing Revolving Fund pursuant to section 4 of P.L.1968, c.49 (C.46:15-8) and from the receipts of the portion of the realty transfer tax directed to be credited to the Neighborhood Preservation Nonlapsing Revolving Fund pursuant to section 4 of P.L.1975, c.176 (C.46:15-10.1). In addition, receipts in excess of the amount anticipated are appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

Receipts from the Division of Local Government Services are appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

Local government authority fees for audits, expedited budget review and related fiscal services are appropriated for associated expenses, subject to the approval of the Director of the Division of Budget and Accounting.

The unexpended balance as of June 30, 1993 in the Uniform Construction Code fees account, together with any receipts in excess of the amount anticipated, are appropriated for expenses of code enforcement activities, subject to the approval of the Director of the Division of Budget and Accounting.

The unexpended balance as of June 30, 1993 in the Planned Real Estate Development Full Disclosure Act fees account together with any receipts in excess of the amount anticipated are appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

The amounts received by the Uniform Construction Code Revolving Fund attributable to that portion of the surcharge fee in excess of $0.0006 are dedicated to the general support of the Uniform Construction Code Program, and, notwithstanding the provisions of section 2 of P.L.1979, c.121 (C.52:27D-124.1), are available for training and non-training purposes.

Such sums as may be required for the registration of builders and reviewing and paying claims under the "New Home Warranty and Builders' Registration Act," P.L.1977, c.467 (C.46:3B-1 et seq.), are appropriated from the new home warranty security fund in accordance with section 7 of P.L.1977, c.467 (C.46:3B-7), subject to the approval of the Director of the Division of Budget and Accounting.

Pursuant to section 15 of P.L.1983, c.530 (C.55:14K-15), the Commissioner shall determine, at least annually, the eligibility of each boarding house resident for rental assistance payments; and any appropriations made from the General Fund to the "Boarding House Rental Assistance Fund" created pursuant to section 14 of P.L.1983, c.530 (C.55:14K-14) may be used by the commissioner to make payments to the Housing and Mortgage Finance Agency, in the form of rental assistance or otherwise, necessary to meet debt service on Housing and Mortgage Finance Agency Life Safety Improvement Loans.

The amounts hereinabove for the Uniform Fire Code program classification are payable out of the fees and penalties derived from code enforcement activities. If these receipts are less than anticipated, the appropriations shall be reduced proportionately.

The unexpended balance as of June 30, 1993 in the Uniform Fire Code program classification, together with any receipts in excess of the amount anticipated are appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

50 Economic Planning, Development and Security

55 Social Services Programs

05-8050 Community Resources		$303,000
08-8060 Programs for the Aging		720,000
14-8061 Ombudsman's Office		314,000
15-8051 Women's Programs		950,000
16-8062 Office of the Public Guardian		792,000
Total Appropriation, Social Services Programs		$3,079,000
Personal Services:		
Salaries and Wages	($1,643,000)	
Materials and Supplies	(65,000)	
Services Other Than Personal	(415,000)	
Maintenance and Fixed Charges	(77,000)	
Special Purpose:		
Federal Programs For the Aging (State Share)	(410,000)	
Expenses of the Commission on Aging	(3,000)	
Conference on Aging	(15,000)	
Division on Women Restoration Funding	(250,000)	
Office on the Prevention of Violence Against Women	(200,000)	
Additions, Improvements and Equipment	(1,000)	

In addition to the amount hereinabove for the Ombudsman's Office, there are appropriated, subject to the approval of the Director of the Division of Budget and Accounting, additional sums as may be required, if any, equal to the difference between $543,000 and the amount of federal funds received, whereby the total funds available to the office equals $857,000.

Receipts from the Office of the Public Guardian are appropriated.

70 Government Direction, Management and Control

76 Management and Administration

99-8070 Management and Administrative Services		$2,759,000
Total Appropriation, Management and Administration		$2,759,000
Personal Services:		
Salaries and Wages	($2,248,000)	
Materials and Supplies	(12,000)	
Services Other Than Personal	(390,000)	
Maintenance and Fixed Charges	(48,000)	
Special Purpose:		
Affirmative Action and Equal Employment Opportunity	(60,000)	
Additions, Improvements and Equipment	(1,000)	
Total Appropriation, Department of Community Affairs		$25,337,000

The Department of Community Affairs shall consolidate the department's field offices into an effective regional structure.

26 DEPARTMENT OF CORRECTIONS

10 Public Safety and Criminal Justice

16 Detention and Rehabilitation

7025 System-Wide Program Support

07-7025 Institutional Control and Supervision		$10,213,000
13-7025 Institutional Program Support		17,227,000
Total Appropriation, System-Wide Program Support		$27,440,000
Personal Services:		
Salaries and Wages	($16,940,000)	
Positions Established From Lump Sum Appropriation	($144,000)	
Materials and Supplies	(4,000)	
Services Other Than Personal	(4,716,000)	
Special Purpose:		
Central Office Transportation Unit	(188,000)	
Special Operations Group	(48,000)	
Integrated Information Systems Development	(417,000)	
Corrections Officers Training Academy-maintenance	(623,000)	
Augment Medical Care At Institutions	(373,000)	
Social Services Block Grant Support	(83,000)	
Institutional Law Libraries	(1,000)	
Additional Trunk Lines	(459,000)	
Return of Escapees and Absconders	(196,000)	
Emergency Facility Repairs	(100,000)	
Mutual Agreement Program	(350,000)	
Recruit Screening Program	(57,000)	
Radio Maintenance	(160,000)	
Contract Settlement-Clothing and Overtime Hourly Rate Increase	(1,737,000)	
Assumption of Federal Funding	(802,000)	
Additions, Improvements and Equipment	(42,000)	

7040 New Jersey State Prison

07-7040 Institutional Control and Supervision		$42,230,000
08-7040 Institutional Care Program		16,905,000
09-7040 Institutional Treatment Program		2,582,000
10-7040 Education Program		903,000
19-7040 Physical Plant and Support Services		5,956,000
99-7040 Management and Administrative Services		1,258,000
Total Appropriation, New Jersey State Prison		$69,834,000
Personal Services:		
Salaries and Wages	($49,777,000)	
Food In Lieu of Cash	(258,000)	
Materials and Supplies	(9,271,000)	
Services Other Than Personal.......................	(9,630,000)	
Maintenance and Fixed Charges...................	(804,000)	
Special Purpose:		
Other Special Purpose..............................	(3,000)	
Additions, Improvements and Equipment	(91,000)	

7050 East Jersey State Prison

07-7050 Institutional Control and Supervision		$33,548,000
08-7050 Institutional Care Program		12,566,000
09-7050 Institutional Treatment Program		2,665,000
10-7050 Education Program		677,000
19-7050 Physical Plant and Support Services		4,077,000
99-7050 Management and Administrative Services		1,011,000
Total Appropriation, East Jersey State Prison		$54,544,000
Personal Services:		
Salaries and Wages	($34,224,000)	
Positions Established From Lump Sum Appropriation..............................	($41,000)	
Food In Lieu of Cash	(190,000)	
Materials and Supplies	(8,065,000)	
Services Other Than Personal	(6,544,000)	
Maintenance and Fixed Charges...................	(835,000)	
Special Purpose:		
Northern Regional Pre-Release Center	(4,629,000)	
Other Special Purpose..............................	(4,000)	
Additions, Improvements and Equipment	(12,000)	

7060 Bayside State Prison

07-7060 Institutional Control and Supervision		$25,638,000
08-7060 Institutional Care Program		8,349,000
09-7060 Institutional Treatment Program.....		2,136,000
10-7060 Education Program		595,000
19-7060 Physical Plant and Support Services		3,606,000
99-7060 Management and Administrative Services		979,000
Total Appropriation, Bayside State Prison		$41,303,000
Personal Services:		
Salaries and Wages	($27,200,000)	
Positions Established From Lump Sum Appropriation..............................	(31,000)	
Food In Lieu of Cash	(155,000)	

Materials and Supplies	(5,857,000)	
Services Other Than Personal	(3,454,000)	
Maintenance and Fixed Charges	(693,000)	
Special Purpose:		
Temporary Bedspaces	(3,065,000)	
Other Additional Bedspaces	(481,000)	
Sewage Hauling and Disposal Costs	(363,000)	
Other Special Purpose	(4,000)	

7065 Southern State Correctional Facility

07-7065 Institutional Control and Supervision		$23,889,000
08-7065 Institutional Care Program		7,606,000
09-7065 Institutional Treatment Program		1,756,000
10-7065 Education Program		746,000
19-7065 Physical Plant and Support Services		2,769,000
99-7065 Management and Administrative Services		1,185,000
Total Appropriation, Southern State Correctional Facility		$37,951,000
Personal Services:		
Salaries and Wages	($28,529,000)	
Positions Established From Lump Sum Appropriation	(42,000)	
Food In Lieu of Cash	(153,000)	
Materials and Supplies	(4,802,000)	
Services Other Than Personal	(3,592,000)	
Maintenance and Fixed Charges	(831,000)	
Special Purpose:		
Other Special Purpose	(2,000)	

7070 Mid-State Correctional Facility

07-7070 Institutional Control and Supervision		$10,318,000
08-7070 Institutional Care Program		3,826,000
09-7070 Institutional Treatment Program		1,075,000
10-7070 Education Program		261,000
19-7070 Physical Plant and Support Services		1,079,000
99-7070 Management and Administrative Services		486,000
Total Appropriation, Mid-State Correctional Facility		$17,045,000
Personal Services:		
Salaries and Wages	($12,391,000)	
Positions Established From Lump Sum Appropriation	(40,000)	
Food In Lieu of Cash	(73,000)	
Materials and Supplies	(1,607,000)	
Services Other Than Personal	(2,097,000)	
Maintenance and Fixed Charges	(163,000)	
Special Purpose:		
Expanded Capacity	(669,000)	
Additions, Improvements and Equipment	(5,000)	

7075 Riverfront State Prison

07-7075 Institutional Control and Supervision		$14,991,000
08-7075 Institutional Care Program		7,742,000

09-7075 Institutional Treatment Program		1,765,000
10-7075 Education Program		440,000
19-7075 Physical Plant and Support Services		1,934,000
99-7075 Management and Administrative Services		947,000
Total Appropriation, Riverfront State Prison		$27,819,000
Personal Services:		
Salaries and Wages	($19,044,000)	
Positions Established From Lump Sum Appropriation	(68,000)	
Food In Lieu of Cash	(111,000)	
Materials and Supplies	(3,616,000)	
Services Other Than Personal	(4,673,000)	
Maintenance and Fixed Charges..................	(272,000)	
Additions, Improvements and Equipment	(35,000)	

7080 Edna Mahan Correctional Facility for Women

07-7080 Institutional Control and Supervision		$18,115,000
08-7080 Institutional Care Program		6,762,000
09-7080 Institutional Treatment Program		1,263,000
10-7080 Education Program		363,000
19-7080 Physical Plant and Support Services		2,157,000
99-7080 Management and Administrative Services		815,000
Total Appropriation, Edna Mahan Correctional Facility for Women		$29,475,000
Personal Services:		
Salaries and Wages	($17,462,000)	
Positions Established From Lump Sum Appropriation	(69,000)	
Food In Lieu of Cash	(112,000)	
Materials and Supplies	(2,604,000)	
Services Other Than Personal......................	(3,635,000)	
Maintenance and Fixed Charges.................	(277,000)	
Special Purpose:		
Expanded Capacity	(5,296,000)	
Additions, Improvements and Equipment	(20,000)	

7085 Northern State Prison

07-7085 Institutional Control and Supervision		$30,866,000
08-7085 Institutional Care Program		12,309,000
09-7085 Institutional Treatment Program		2,526,000
10-7085 Education Program........................		984,000
19-7085 Physical Plant and Support Services		4,684,000
99-7085 Management and Administrative Services		1,406,000
Total Appropriation, Northern State Prison		$52,775,000
Personal Services:		
Salaries and Wages	($36,821,000)	
Positions Established From Lump Sum Appropriation	(348,000)	
Food In Lieu of Cash	(219,000)	
Materials and Supplies	(9,141,000)	
Services Other Than Personal......................	(5,722,000)	

Maintenance and Fixed Charges	(464,000)	
Special Purpose:		
Other Special Purpose	(2,000)	
Additions, Improvements and Equipment	(58,000)	

7090 Adult Diagnostic and Treatment Center, Avenel

07-7090 Institutional Control and Supervision		$10,859,000
08-7090 Institutional Care Program		4,224,000
09-7090 Institutional Treatment Program		1,935,000
10-7090 Education Program		205,000
11-7090 Outpatient Diagnostic and Treatment Services		200,000
19-7090 Physical Plant and Support Services		1,330,000
99-7090 Management and Administrative Services		669,000
Total Appropriation, Adult Diagnostic and Treatment Center, Avenel		$19,422,000
Personal Services:		
Salaries and Wages	($14,730,000)	
Positions Established From Lump Sum Appropriation	(31,000)	
Food In Lieu of Cash	(87,000)	
Materials and Supplies	(2,487,000)	
Services Other Than Personal	(1,818,000)	
Maintenance and Fixed Charges	(269,000)	

7110 Garden State Reception and Youth Correctional Facility

07-7110 Institutional Control and Supervision		$29,204,000
08-7110 Institutional Care Program		6,784,000
09-7110 Institutional Treatment Program		2,579,000
10-7110 Education Program		175,000
19-7110 Physical Plant and Support Services		1,817,000
99-7110 Management and Administrative Services		1,152,000
Total Appropriation, Garden State Reception and Youth Correctional Facility		$41,711,000
Personal Services:		
Salaries and Wages	($25,768,000)	
Positions Established From Lump Sum Appropriation	(24,000)	
Food In Lieu of Cash	(145,000)	
Materials and Supplies	(4,048,000)	
Services Other Than Personal	(2,167,000)	
Maintenance and Fixed Charges	(381,000)	
Special Purpose:		
Expanded Capacity - Substance Abuse Unit	(2,752,000)	
Expanded Capacity - Kearney - Pre-Reception Unit	(6,425,000)	
Other Special Purpose	(1,000)	

Receipts derived from the sales of meals and other food items at the Garden State Reception and Youth Correctional Facility Culinary Arts Training Program, located on the grounds of the department's administrative offices complex, and the unexpended balance as of June 30, 1993 are appropriated.

7120 Albert C. Wagner Youth Correctional Facility

07-7120 Institutional Control and Supervision		$17,884,000
08-7120 Institutional Care Program		7,130,000
09-7120 Institutional Treatment Program		2,420,000
10-7120 Education Program		651,000
19-7120 Physical Plant and Support Services		3,377,000
99-7120 Management and Administrative Services		1,063,000
Total Appropriation, Albert C. Wagner Youth Correctional Facility		$32,525,000
Personal Services:		
Salaries and Wages	($24,079,000)	
Positions Established From Lump Sum Appropriation	(82,000)	
Food In Lieu of Cash	(146,000)	
Materials and Supplies	(4,946,000)	
Services Other Than Personal	(2,488,000)	
Maintenance and Fixed Charges	(419,000)	
Special Purpose:		
Sewage Hauling and Disposal Costs	(365,000)	

Receipts derived from the Upholstery Program at the Albert C. Wagner Youth Correctional Facility, and any unexpended balance as of June 30, 1993 are appropriated for the operation of the program with surplus funds being credited to the institution's Inmate Welfare Fund, subject to the approval of the Director of the Division of Budget and Accounting.

7130 Mountainview Youth Correctional Facility

07-7130 Institutional Control and Supervision		$19,637,000
08-7130 Institutional Care Program		6,435,000
09-7130 Institutional Treatment Program.....		2,311,000
10-7130 Education Program		269,000
19-7130 Physical Plant and Support Services		5,043,000
99-7130 Management and Administrative Services		1,165,000
Total Appropriation, Mountainview Youth Correctional Facility		$34,860,000
Personal Services:		
Salaries and Wages	($24,519,000)	
Positions Established From Lump Sum Appropriation	(44,000)	
Food In Lieu of Cash	(139,000)	
Materials and Supplies	(4,916,000)	
Services Other Than Personal	(2,517,000)	
Maintenance and Fixed Charges	(508,000)	
Special Purpose:		
Sewage Hauling and Disposal Costs	(2,216,000)	
Other Special Purpose	(1,000)	

The unexpended balance as of June 30, 1993 in the Security system and fencing account is appropriated for the same purpose or any other public safety measure.

17 Parole and Community Programs

7010 Office of Parole and Community Programs

03-7010 Parole		$16,440,000
04-7010 Community Programs		932,000
Total Appropriation, Office of Parole and Community Programs		$17,372,000
Personal Services:		
Salaries and Wages	($15,942,000)	
Positions Established From Lump Sum Appropriation	(58,000)	
Food In Lieu of Cash	(8,000)	
Materials and Supplies	(151,000)	
Services Other Than Personal	(471,000)	
Maintenance and Fixed Charges	(621,000)	
Special Purpose:		
Payments To Inmates Discharged From Facilities	(121,000)	

The unexpended balance, not to exceed $300,000, as of June 30, 1993 in the Parolee Electronic Monitoring Program account is appropriated for salaries of Parole Officers for the supervision of State parolees in general caseload or for an Electronic Monitoring Program for State inmates. No State funds are appropriated for any expense related to a county electronic monitoring program.

7280 State Parole Board

05-7280 State Parole Board		$6,850,000
Total Appropriation, State Parole Board		$6,850,000
Personal Services:		
Salaries and Wages	($5,839,000)	
Materials and Supplies	(155,000)	
Services Other Than Personal	(355,000)	
Maintenance and Fixed Charges	(116,000)	
Special Purpose:		
Increased Inmate/Parole Population	(242,000)	
Additions, Improvements and Equipment	(143,000)	

18 Juvenile Correctional Services

7220 New Jersey Training School for Boys

07-7220 Institutional Control and Supervision		$9,583,000
08-7220 Institutional Care Program		2,359,000
09-7220 Institutional Treatment Program		1,205,000
19-7220 Physical Plant and Support Services		2,142,000
99-7220 Management and Administrative Services		568,000
Total Appropriation, New Jersey Training School for Boys		$15,857,000
Personal Services:		
Salaries and Wages	($12,826,000)	
Positions Established From Lump Sum Appropriation	(28,000)	
Food In Lieu of Cash	(60,000)	

Materials and Supplies	(1,626,000)	
Services Other Than Personal	(873,000)	
Maintenance and Fixed Charges	(380,000)	
Special Purpose:		
Other Special Purpose	(1,000)	
Additions, Improvements and Equipment	(63,000)	

7225 Juvenile Medium Security Center

07-7225 Institutional Control and Supervision		$3,863,000
08-7225 Institutional Care Program		749,000
09-7225 Institutional Treatment Program		449,000
19-7225 Physical Plant and Support Services		1,754,000
99-7225 Management and Administrative Services		288,000
Total Appropriation, Juvenile Medium Security Center		$7,103,000
Personal Services:		
Salaries and Wages	($5,453,000)	
Positions Established From Lump Sum Appropriation	(21,000)	
Food In Lieu of Cash	(27,000)	
Materials and Supplies	(415,000)	
Services Other Than Personal	(192,000)	
Maintenance and Fixed Charges	(95,000)	
Special Purpose:		
Johnstone Facility Maintenance	(900,000)	

10 Public Safety and Criminal Justice

19 Central Planning, Direction and Management

01-7000 Planning, Management and General Support		$1,940,000
02-7000 Program Operations Support		2,790,000
19-7000 Physical Plant and Support Services		1,013,000
99-7000 Management and Administrative Services		7,438,000
Total Appropriation, Central Planning, Direction and Management		$13,181,000
Personal Services:		
Salaries and Wages	($10,758,000)	
Materials and Supplies	(547,000)	
Services Other Than Personal	(1,407,000)	
Maintenance and Fixed Charges	(319,000)	
Special Purpose:		
Affirmative Action and Equal Employment Opportunity	(125,000)	
Additions, Improvements and Equipment	(25,000)	
Total Appropriation, Department of Corrections		$547,067,000

Balances on hand as of June 30, 1993 of funds held for the benefit of inmates in the several institutions, and such funds as may be received, are appropriated for the use of such inmates.

Payments received by the State from employers of prisoners on their behalf, as part of any work release program, are appropriated for the purposes provided under P.L.1969, c.22 (C.30:4-91.4 et seq.).

Of the amount appropriated hereinabove for the Department of Corrections, such sums as the Director of the Division of Budget and Accounting shall determine from the schedule at page L-39 in the Governor's Budget Recommendation Document dated February 9, 1993 first shall be charged to the State Lottery Fund.

34 DEPARTMENT OF EDUCATION

30 Educational, Cultural and Intellectual Development

31 Direct Educational Services and Assistance

04-5062 Adult and Continuing Education		$211,000
05-5063 Bilingual Education		322,000
06-5063 Programs For At-Risk Pupils		10,000
07-5065 Special Education		626,000
Total Appropriation, Direct Educational Services and Assistance		$1,169,000
Personal Services:		
Salaries and Wages	($993,000)	
Materials and Supplies	(65,000)	
Services Other Than Personal	(107,000)	
Maintenance and Fixed Charges	(4,000)	

32 Operation and Support of Educational Institutions

12-5011 Marie H. Katzenbach School for the Deaf		$7,759,000
Total Appropriation, Operation and Support of Educational Institutions		$7,759,000
Personal Services:		
Salaries and Wages	($6,553,000)	
Materials and Supplies	(734,000)	
Services Other Than Personal	(146,000)	
Maintenance and Fixed Charges	(226,000)	
Special Purpose:		
Transportation Expenses For Students	(90,000)	
Additions, Improvements and Equipment	(10,000)	

Notwithstanding the provisions of N.J.S.18A:61-1 and N.J.S.18A:46-13, or any other statute, $3,248,000 of the amount appropriated hereinabove to the Marie H. Katzenbach School for the Deaf for operating expenses shall be reimbursed by local boards of education; provided however, that each local board pay that portion of costs which the number of its handicapped pupils bears to the entire number of handicapped pupils in the school; provided further, however, that payments be made by each local board in accordance with a schedule adopted by the Commissioner of Education and the Director of the Division of Budget and Accounting and be paid directly to the General Treasury.

The unexpended balance as of June 30, 1993 in the receipt account of the Marie H. Katzenbach School for the Deaf, and receipts derived from charges in excess of those anticipated, are appropriated for operating expenses.

Receipts derived from charges at the regional schools for the handicapped and the unexpended balance as of June 30, 1993, of such receipts are appropriated for the costs of operating the schools.

33 Supplemental Education and Training Programs

20-5062 General Vocational Education........		$989,000
Total Appropriation, Supplemental Education and Training Programs.............................		$989,000
Personal Services:		
Salaries and Wages.................................	($894,000)	
Materials and Supplies	(24,000)	
Services Other Than Personal.......................	(62,000)	
Additions, Improvements and Equipment	(9,000)	

34 Educational Support Services

30-5063 Educational Programs and Student Services		$6,841,000
32-5061 Certification Programs		1,607,000
33-5067 Service to Local Districts		5,183,000
33-5091 Service to Local Districts		816,000
34-5067 Equal Educational Opportunity		127,000
35-5069 Urban Education		2,419,000
36-5120 Pupil Transportation.......................		327,000
37-5120 School Nutrition		166,000
38-5120 Facilities Planning and School Building Aid		113,000
Total Appropriation, Educational Support Services		$17,599,000
Personal Services:		
Salaries and Wages.................................	($10,331,000)	
Materials and Supplies	(365,000)	
Services Other Than Personal.......................	(1,013,000)	
Maintenance and Fixed Charges..................	(71,000)	
Special Purpose:		
Advisory Council on Holocaust Education	(124,000)	
Improved Basic Skills Instruction (HSPT)	(95,000)	
Blueprint For A Drug-Free New Jersey ...	(30,000)	
Eleventh Grade Test................................	(4,572,000)	
High School Proficiencies........................	(100,000)	
Statewide Testing Program	(500,000)	
Additions, Improvements and Equipment	(398,000)	

The unexpended balance as of June 30, 1993 in the Inspection of school construction account, and receipts derived therefrom, are appropriated for the operation of the school construction inspection program.

Receipts from the State Board of Examiners' fees in excess of those anticipated and the unexpended balances of such receipts as of June 30, 1993 are appropriated for the operation of Certification programs.

Receipts derived from charges at the Academy for Professional Development in excess of those anticipated and the unexpended balance as of June 30, 1993 of such receipts are appropriated for the costs of operation.

35 Education Administration and Management

42-5120 School Finance		$1,740,000
43-5092 Compliance and Auditing		1,258,000
99-5010 Management and Administrative Services		247,000
99-5090 Management and Administrative Services		1,453,000
99-5095 Management and Administrative Services		3,906,000
Total Appropriation, Education Administration and Management		$8,604,000
Personal Services:		
Salaries and Wages	($6,607,000)	
Materials and Supplies	(342,000)	
Services Other Than Personal	(771,000)	
Maintenance and Fixed Charges	(101,000)	
Special Purpose:		
Training for GAAP Accounting	(100,000)	
Comprehensive Compliance Audits	(250,000)	
State Board of Education Expenses	(62,000)	
Affirmative Action and Equal Employment Opportunity	(42,000)	
Additions, Improvements and Equipment	(329,000)	

Receipts derived from fees for school district personnel background checks and unexpended balances as of June 30, 1993 of such receipts are appropriated for the cost of operation.

Additional sums as may be necessary for the Department of Education in preparation for implementation of P.L.1987, c.399 (C.18A:7A-34 et seq.) are appropriated, subject to the recommendation of the Commissioner of Education and the approval of the Director of the Division of Budget and Accounting and the Joint Budget Oversight Committee or its successor.

Additional sums as may be necessary for the Department of Education for the cost of the internal audit function in a State-operated school district pursuant to section 8 of P.L.1987, c.399 (C.18A:7A-41) are appropriated subject to the recommendation of the Commissioner of Education and the approval of the Director of the Division of Budget and Accounting.

37 Cultural and Intellectual Development Services

51-5070 Library Services		$2,553,000
54-5010 Support of the Arts		157,000
Total Appropriation, Cultural and Intellectual Development Services		$2,710,000
Personal Services:		
Salaries and Wages	($1,877,000)	
Materials and Supplies	(480,000)	
Services Other Than Personal	(332,000)	
Maintenance and Fixed Charges	(21,000)	

Receipts derived from tuition charges at the New Jersey School of the Arts and the unexpended balance as of June 30, 1993, of such receipts are appropriated for the cost of operation.

Total Appropriation, Department of Education	$38,830,000

Of the amount appropriated hereinabove for the Department of Education, such sums as the Director of the Division of Budget and Accounting shall determine from the schedule at page L-39 in the Governor's Budget Recommendation Document dated February 9, 1993 first shall be charged to the State Lottery Fund.

42 DEPARTMENT OF ENVIRONMENTAL PROTECTION AND ENERGY

40 Community Development and Environmental Management

42 Natural Resource Management

10-4865 Marina Operations		$612,000
11-4870 Forest Resource Management		5,707,000
12-4875 Parks Management		22,358,000
13-4880 Hunters' and Anglers' License Fund		10,251,000
14-4885 Shellfish and Marine Fisheries Management		1,364,000
20-4880 Wildlife Management		550,000
21-4895 Natural Resources Engineering		1,437,000
Total Appropriation, Natural Resource Management		$42,279,000
Personal Services:		
Salaries and Wages	($29,890,000)	
Materials and Supplies	(3,671,000)	
Services Other Than Personal	(1,847,000)	
Maintenance and Fixed Charges	(2,495,000)	
Special Purpose:		
Fire Fighting Costs	(1,025,000)	
Woodland Assessment	(225,000)	
Liberty State Park Commission	(22,000)	
Expenses of the Delaware and Raritan Canal Commission	(149,000)	
Natural Lands Trust	(90,000)	
Natural Areas Council	(5,000)	

Open Lands Management Program	(150,000)
Historic Trust	(20,000)
Morven Maintenance	(50,000)
Natural Heritage	(120,000)
Historic Sites and Planning	(180,000)
Sea Clam Enforcement	(63,000)
Surf Clam Research and Inventory	(30,000)
Shellfish Research and Inventory	(22,000)
Endangered Species Tax Check-Off Donations	(300,000)
Bayshore Flood Control	(230,000)
Dam Safety Expansion	(315,000)
Dredging of Inland Waterways, State Marinas and State-Controlled Lakes	(100,000)
Disposal of Dead Deer	(250,000)
Additions, Improvements and Equipment	(1,030,000)

The amount hereinabove for the Hunters' and Anglers' License Fund is payable out of said Fund and any amount remaining therein and the unexpended balance as of June 30, 1993 in the Hunters' and Anglers' License Fund, together with any receipts in excess of the amount anticipated, are appropriated. If receipts to that fund are less than anticipated, the appropriation shall be reduced proportionately.

Fees in excess of the amount anticipated from Marina operations and the unexpended balances as of June 30, 1993 in the Marina operations accounts are appropriated for maintenance and security of marina facilities.

Receipts in excess of the amount anticipated from fees and permit receipts from the use of State Park facilities, not to exceed $150,000, are appropriated for Parks Management.

Receipts in excess of the amount anticipated from the Morris Canal and Banking Company are appropriated subject to the approval of the Director of the Division of Budget and Accounting.

Receipts derived from the rental and/or use of Liberty State Park facilities are appropriated for operation and maintenance of Liberty State Park, subject to the approval of the Director of the Division of Budget and Accounting.

There are appropriated from the Cultural Centers and Historic Preservation Fund established pursuant to the "New Jersey Green Acres, Cultural Centers and Historic Preservation Bond Act of 1987," P.L.1987, c.265, such sums as may be required for costs attributable to planning, administrative, organizational and operational expenses incident to the historic preservation projects authorized by the Bond Act, subject to the approval of the Director of the Division of Budget and Accounting.

The amount hereinabove for the Endangered Species Tax Check-Off Donations account is payable out of receipts, and the unexpended balances in the Endangered Species Tax Check-Off Donations account as of June 30, 1993, together with receipts in excess of the amount anticipated, are appropriated. If receipts are less than anticipated, the appropriation shall be reduced proportionately.

From the amount appropriated hereinabove in the Wildlife Management Program classification, such sums as are necessary shall be allocated for enforcement of R.S.23:4-50, as amended by P.L.1991, c.253, concerning the sale of wild birds not raised in captivity, subject to the approval of the Director of the Division of Budget and Accounting.

4876 Palisades Interstate Park Commission

24-4876 Palisades Parks Management..........		$1,522,000
25-4876 Patrol Activities and Crime Control		1,990,000
Total Appropriation, Palisades Interstate Park Commission		$2,512,000
Personal Services:		
Salaries and Wages	($1,849,000)	
Materials and Supplies	(288,000)	
Services Other Than Personal.......................	(186,000)	
Maintenance and Fixed Charges..................	(187,000)	
Additions, Improvements and Equipment	(2,000)	

Receipts from police court, stands, concessions and self-sustaining activities operated or supervised by this Commission, and the unexpended balance as of June 30, 1993 of such receipts, are appropriated.

43 Science and Technical Programs

01-4820 Radiation Protection......................		$3,209,000
02-4801 Air Pollution Control, Policy and Planning		2,100,000
02-4825 Air Pollution Control		4,322,000
04-4835 Pesticide Control		1,907,000
05-4840 Water Supply and Watershed Management		4,045,000
17-4900 Solid Waste Resource Management		11,136,000
18-4810 Science and Research		2,510,000
22-4861 Water Quality Management		1,007,000
90-4801 Management Policy and Planning ..		197,000
Total Appropriation, Science and Technical Programs............................		$30,433,000
Personal Services:		
Salaries and Wages	($8,445,000)	
Materials and Supplies	(134,000)	
Services Other Than Personal.......................	(866,000)	
Maintenance and Fixed Charges..................	(784,000)	

Special Purpose:	
Nuclear Emergency Response	(1,800,000)
Radon Program	(765,000)
Toxic Catastrophe Prevention	(1,400,000)
Worker and Community Right To Know Act	(922,000)
Air Pollution Monitoring and Control Programs	(2,100,000)
Oil Spill Prevention	(2,000,000)
Pesticides Fees	(1,907,000)
Well Permits/Well Drillers/ Pump Installers Licenses	(222,000)
Excess Diversion	(175,000)
Water Allocation	(1,420,000)
Water/Wastewater Operators Licenses	(70,000)
Office of the Rivermaster	(58,000)
Safe Drinking Water Fund	(1,750,000)
Water Supply Management Regulations	(350,000)
Sanitary Landfill Facility Contingency Fund, Non-Site Specific Administration	(190,000)
Solid and Hazardous Waste Disposal--Disclosure Fund	(900,000)
Recycling of Solid Waste	(748,000)
Clean Communities-Administration	(350,000)
Hazardous Waste Research	(500,000)
Risk Assessment	(150,000)
Geographical Information System Data Base Development	(48,000)
Environmental Health Assessment	(610,000)
Ground Water Discharge Permits	(516,000)
Other Special Purpose	(1,070,000)
Additions, Improvements and Equipment	(183,000)

The amount hereinabove for the Toxic Catastrophe Prevention account is payable out of fees received pursuant to the "Toxic Catastrophe Prevention Act," P.L.1985, c.403 (C.13:1K-19 et seq.), and the unexpended balances in the Toxic Catastrophe Prevention account as of June 30, 1993, together with receipts in excess of the amount anticipated, are appropriated. If receipts are less than anticipated, the appropriation shall be reduced proportionately.

Notwithstanding the provisions of the "Worker and Community Right to Know Act," P.L.1983, c.315 (C.34:5A-1 et seq.), the amount hereinabove for the Worker and Community Right to Know Act account is payable out of the Worker and Community Right to Know Trust Fund. If receipts to that fund are less than anticipated, the appropriation shall be reduced proportionately.

The unexpended balances as of June 30, 1993 in the Worker and Community Right to Know Act account together with any receipts in excess of the amount anticipated, not to exceed $500,000, are appropriated.

The amount hereinabove for the Oil Spill Prevention program is payable out of the Spill Compensation Fund, and the receipts in excess of those anticipated from the Spill Compensation Fund for the Oil Spill Prevention program are appropriated, in accordance with the provisions of P.L.1990, c.76 (C.58:10-23.11f2 et seq.), P.L.1990, c.78 (C.58:10-23.11d1 et seq.), and P.L.1990, c.80 (C.58:10-23.11f1), subject to the approval of the Director of the Division of Budget and Accounting.

There is allocated from funds previously appropriated from the Water Conservation Fund the sum of $745,000 for costs attributable to planning, engineering, developing and constructing regional wastewater treatment facilities, including the administration of the "1992 Wastewater Treatment Fund," subject to the approval of the Director of the Division of Budget and Accounting.

Any funds received by the Wastewater Treatment Trust from any State agency to offset the Trust's annual operating expenses are appropriated.

Receipts in excess of the amount anticipated from Solid Waste fees and the unexpended balance of such receipts as of June 30, 1993 in the Solid Waste Resource Management program classification are appropriated.

Receipts derived from fees, fines, and penalties from the solid waste industry and the unexpended balance as of June 30, 1993 of such receipts are appropriated.

The amount hereinabove for the Sanitary Landfill Facility Contingency Fund, Non-Site Specific Administration account is payable out of the Sanitary Landfill Facility Contingency Fund.

Receipts in excess of those anticipated for the Sanitary Landfill Facility Contingency Fund, Non-Site Specific Administration account, not to exceed $40,000, are appropriated.

There is appropriated an amount not to exceed $235,000 from the Resource Recovery and Solid Waste Disposal Facility Fund for administrative costs related to the Resource Recovery and Solid Waste Disposal Facility program, subject to the approval of the Director of the Division of Budget and Accounting.

The amount hereinabove for the Recycling of Solid Waste account is payable out of the State Recycling Fund, established pursuant to section 5 of P.L.1981, c.278 (C.13:1E-92 et seq.).

The unexpended balance as of June 30, 1993 in the Recycling Fees account, together with any fee receipts received by the Department of Environmental Protection and Energy, pursuant to P.L.1987, c.102 (C.13:1E-1) are appropriated.

Notwithstanding the provisions of P.L.1981, c.278 (C.13:1E-92 et seq.), as amended by P.L.1985, c.533 (C.13:1E-92 et seq.), receipts in excess of the amount anticipated for the Recycling of Solid Waste account, not to exceed $1,300,000, are appropriated from the State Recycling Fund for Recycling program administration.

There are appropriated from the State Recycling Fund and the Clean Communities account such sums as may be required to carry out the provisions of the "Clean Communities and Recycling Act," P.L.1981, c.278, as amended by P.L.1985, c.533 (C.13:1E-92 et seq.).

The amount hereinabove for the Clean Communities-Administration account is payable out of receipts received pursuant to section 7 of P.L.1985, c.533 (C.13:1E-99.2). If receipts are less than anticipated, the appropriation shall be reduced proportionately.

Receipts in excess of the amount anticipated for the Clean Communities-Administration account, not to exceed $200,000, are appropriated for Clean Communities program administration.

There are appropriated from the Sanitary Landfill Facility Contingency Fund such sums as may be required to carry out the provisions of the "Sanitary Landfill Facility Closure and Contingency Fund Act," P.L.1981, c.306 (C.13:1E-100 et seq.).

Receipts deposited to the Resource Recovery Investment Tax Fund and the Solid Waste Services Tax Fund are appropriated.

The unexpended balances as of June 30, 1993 in the Comprehensive Regulated Medical Waste Management Act account, together with any receipts received by the Department of Environmental Protection and Energy pursuant to the provisions of the "Comprehensive Regulated Medical Waste Management Act," P.L.1989, c.34 (C.13:1E-48.1 et seq.) are appropriated.

In addition to the portion of the amount hereinabove for the Solid Waste program which is derived from assessments, such other sums as the Director of the Division of Budget and Accounting shall determine shall be considered as appropriated on behalf of the Solid Waste program under P.L.1968, c.173 (C.48:2-59 et seq.), or other applicable statutes or administrative orders concerning the assessment of public utilities.

The amount hereinabove for the Solid and Hazardous Waste Disposal-Disclosure Fund account is payable out of fees received pursuant to the Solid and Hazardous Waste Disposal-Disclosure Act (A-901), P.L.1983, c.392 (C.13:1E-127 et seq.), and the unexpended balances in the Solid and Hazardous Waste Disposal-Disclosure Fund account as of June 30, 1993, together with receipts in excess of the amount anticipated, are appropriated. If receipts are less than anticipated, the appropriation shall be reduced proportionately.

The unexpended balance as of June 30, 1993 in the Watershed Property Review Board account is appropriated.

The amounts hereinabove for the Well Permits/Well Drillers/Pump Installers Licenses, Excess Diversion, Water Allocation, and Water/Wastewater Operators Licenses accounts are payable out of fees received through the Environmental Services Fund, established pursuant to section 5 of P.L.1975, c.232 (C.13:1D-29 et seq.), and the unexpended balances of the fund as of June 30, 1993, together with any receipts in excess of the amount anticipated are appropriated for those accounts. If the receipts to any of the accounts are less than anticipated, these respective appropriations shall be reduced proportionately.

There are appropriated from the Water Supply Fund, created pursuant to section 14 of the "Water Supply Bond Act of 1981," P.L.1981, c.261, such sums as are necessary for costs attributable to administration of water supply programs including funding for cooperative agreements under the United States Geological Survey (USGS) Program, subject to the approval of the Director of the Division of Budget and Accounting.

The amount hereinabove for the Safe Drinking Water Fund account is payable out of receipts, and the unexpended balances in the Safe Drinking Water Fund account as of June 30, 1993, together with receipts in excess of the amount anticipated, are appropriated. If receipts are less than anticipated, the appropriation shall be reduced proportionately.

The amount hereinabove for the Water Supply Management Regulations account is payable out of fees, and the unexpended balances in the Water Supply Management Regulations account as of June 30, 1993, together with receipts in excess of the amount anticipated, are appropriated. If receipts are less than anticipated, the appropriation shall be reduced proportionately.

The amount hereinabove for the Hazardous Waste Research account is appropriated from interest earned by the New Jersey Spill Compensation Fund for research and development on the prevention, effects, and improved cleanup criteria and removal operation methods of spills of hazardous substances, as well as methods of hazardous waste source reduction, recycling and detoxification, subject to the approval of the Director of the Division of Budget and Accounting. If the interest earnings are less than anticipated, the appropriation shall be reduced proportionately.

Fees in excess of the amount anticipated from Radiation Protection and the unexpended balances of such fee receipts as of June 30, 1993 are appropriated.

The amount hereinabove for the Nuclear Emergency Response account is payable from receipts received pursuant to the assessments of electrical utility companies under P.L.1981, c.302 (C.26:2D-37 et seq.), and the unexpended balances as of June 30, 1993 in the Nuclear Emergency Response account, together with receipts in excess of the amount anticipated not to exceed $200,000, are appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

Fees in excess of the amount anticipated from laboratory certification service, and the unexpended balance of such fee receipts as of June 30, 1993, are appropriated.

The amount hereinabove for the Pesticides Fees account is payable out of fees, and the unexpended balances in the Pesticides Fees account as of June 30, 1993, together with fee receipts in excess of the amount anticipated, are appropriated. If receipts are less than anticipated, the appropriation shall be reduced proportionately.

44 Site Remediation

19-4815 Publicly-Funded Site Remediation		$13,178,000
22-4815 Water Quality Management		3,938,000
27-4815 Responsible Party Site Remediation		16,241,000
Total Appropriation, Site Remediation		$33,357,000
Personal Services:		
Salaries and Wages	($7,614,000)	

Materials and Supplies	(266,000)
Services Other Than Personal	(767,000)
Maintenance and Fixed Charges	(1,128,000)
Special Purpose:	
Hazardous Waste Bond Administrative Costs	(5,154,000)
Spill Prevention, Response and Site Cleanup, Non-Site Specific Administrative Costs	(1,007,000)
Protective Clothing, Safety Equipment and Training	(325,000)
Ground Water Discharge Permits	(3,938,000)
Emergency Response Coordination	(1,191,000)
Hazardous Discharge Site Cleanup Fund--Responsible Party	(5,706,000)
Environmental Cleanup Responsibility Act	(4,000,000)
Underground Storage Tanks	(1,400,000)
Emergency Communication Center	(632,000)
Additions, Improvements and Equipment	(229,000)

The amount hereinabove for the Emergency Response Coordination account is payable out of the New Jersey Spill Compensation Fund, and the receipts in excess of the amount anticipated, not to exceed $254,000, are appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

The amount hereinabove for the Spill Prevention, Response and Site Cleanup, Non-Site Specific Costs account is payable out of the New Jersey Spill Compensation Fund, and the receipts in excess of those anticipated for the Spill Prevention, Response and Site Cleanup, Non-Site Specific Costs account, not to exceed $227,000, are appropriated.

The amount hereinabove for the Protective Clothing, Safety Equipment, and Training account is payable out of the New Jersey Spill Compensation Fund.

There are appropriated from the New Jersey Spill Compensation Fund such sums as may be required for cleanup operations, adjusters and paying approved claims for damages in accordance with the provisions of P.L.1976, c.141 (C.58:10-23.11 et seq.), subject to the approval of the Director of the Division of Budget and Accounting.

The amount hereinabove for the Hazardous Discharge Site Cleanup Fund-Responsible Party account shall first be charged to responsible party cost recoveries deposited in the Hazardous Discharge Site Cleanup Fund.

An amount not to exceed $10,400,000 is appropriated from responsible party cost recoveries deposited in the Hazardous Discharge

Site Cleanup Fund for administrative costs associated with the cleanup of hazardous waste sites, subject to the approval of the Director of the Division of Budget and Accounting.

The amount hereinabove for the Hazardous Waste Bond Administrative Costs account is appropriated from bond proceeds deposited in the Hazardous Discharge Fund, created pursuant to section 14 of the "Hazardous Discharge Bond Act," P.L.1981, c.275, or the Hazardous Discharge Fund of 1986, created pursuant to section 14 of the "Hazardous Discharge Bond Act of 1986," P.L.1986, c.113, for administrative costs associated with the cleanup of hazardous waste sites, in an amount not to exceed $5,154,000.

Receipts derived from the sale of salvaged materials are appropriated to offset costs incurred in the cleanup and removal of hazardous substances.

The amount hereinabove for the Environmental Cleanup Responsibility Act account is payable out of fees and fines received pursuant to the provisions of the "Environmental Cleanup Responsibility Act," P.L.1983, c.330 (C.13:1K-6 et al.), and the unexpended balance as of June 30, 1993 in the Environmental Cleanup Responsibility Act account, as well as any receipts received in excess of the anticipated amount, are appropriated. If receipts are less than anticipated, the appropriation shall be reduced proportionately.

In addition to site specific charges, an amount not to exceed $12,400,000 is appropriated from the New Jersey Spill Compensation Fund in accordance with the provisions of P.L.1976, c.141 (C.58:10-23.11 et seq.), subject to the approval of the Director of the Division of Budget and Accounting.

The amount hereinabove for the Emergency Communication Center account is payable out of the New Jersey Spill Compensation Fund, and the receipts in excess of the amount anticipated, not to exceed $223,000, are appropriated from the New Jersey Spill Compensation Fund for the same purpose, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of subsection c. of section 17 of P.L.1986, c.102 (C.58:10A-36), monies in the State Underground Storage Tank Improvement Fund shall be available for the purpose of making loans pursuant to that section.

The amount hereinabove for the Underground Storage Tanks account is payable out of fees, and the unexpended balances of such receipts as of June 30, 1993, together with fee receipts in excess of the amount anticipated, are appropriated. If receipts are less than anticipated, the appropriation shall be reduced proportionately.

45 Environmental Regulations

02-4892 Air Pollution Control		$2,700,000
15-4890 Land Use Regulation		4,626,000
16-4891 Water Monitoring and Planning		500,000
22-4891 Water Quality Management		7,227,000
23-4910 Hazardous Waste Management		5,158,000
Total Appropriation, Environmental Regulations		$20,211,000
Personal Services:		
Salaries and Wages	($2,103,000)	
Materials and Supplies	(166,000)	
Services Other Than Personal	(510,000)	
Maintenance and Fixed Charges	(364,000)	
Special Purpose:		
Air Pollution Monitoring and Control Programs	(2,700,000)	
Waterfront Development Program	(210,000)	
Wetlands	(10,000)	
CAFRA Program	(75,000)	
Stream Encroachment	(1,306,000)	
Regulation of Freshwater Wetlands	(450,000)	
Delineation and Determination of State Riparian Land	(175,000)	
Tidelands Resource Council	(25,000)	
Tidelands Peak Demands	(1,361,000)	
Freshwater Wetlands Fees	(850,000)	
Treatment Works Approval	(500,000)	
Surface Water Discharge Permits	(7,227,000)	
Pollution Prevention	(1,000,000)	
Hazardous Waste Fees	(724,000)	
Major Hazardous Waste Facilities Siting Act--Siting Commission	(225,000)	
Additions, Improvements and Equipment	(230,000)	

The amounts hereinabove for the Wetlands and CAFRA accounts are payable out of fees received through the Environmental Services Fund, established pursuant to section 5 of P.L.1975, c.232 (C.13:1D-29 et seq.), and the unexpended balances of the fund as of June 30, 1993, together with any receipts in excess of the amount anticipated are appropriated for those accounts. If the receipts to any of the accounts are less than anticipated, the respective appropriation shall be reduced proportionately.

The amount hereinabove for the Delineation and Determination of State Riparian Land account shall be provided from receipts derived from the sales, grants, leases, licensing and rentals of State riparian lands, and any receipts in excess of such amounts not to exceed $100,000 are appropriated for the same purpose; provided however, that should the receipts be insufficient to finance such authorization, sufficient sums shall be advanced from the General Fund for the same purpose; provided further, however, that any sum so advanced shall be returned to the General Fund from future receipts derived from the sales, grants, leases, licensing or rentals of State riparian lands.

The unexpended balance as of June 30, 1993 in the Major Hazardous Waste Facilities Siting Act-Siting Commission account is appropriated.

The amount hereinabove for the Pollution Prevention account is payable out of receipts received pursuant to the "Pollution Prevention Act," P.L.1991, c.235 (C.13:1-16 et seq.), and the unexpended balances in the Pollution Prevention account as of June 30, 1993, together with receipts in excess of the amount anticipated, are appropriated. If receipts are less than anticipated, the appropriation shall be reduced proportionately.

The amount hereinabove for the Treatment Works Approval account is payable out of fees, and the unexpended balances in the Treatment Works Approval account as of June 30, 1993, together with receipts in excess of the amount anticipated, are appropriated. If receipts are less than anticipated, the appropriation shall be reduced proportionately.

46 Environmental Planning and Administration

26-4805 Regulatory and Governmental Affairs		$789,000
97-4921 Regulatory Support Services		2,814,000
99-4800 Management and Administrative Services		5,940,000
Total Appropriation, Environmental Planning and Administration		$9,543,000
Personal Services:		
Salaries and Wages	($7,942,000)	
Materials and Supplies	(66,000)	
Services Other Than Personal.......................	(1,212,000)	
Maintenance and Fixed Charges..................	(36,000)	
Special Purpose:		
Board of New Jersey Pilot Commissioners	(73,000)	
Affirmative Action and Equal Employment Opportunity....................	(98,000)	
Environmental Education Program	(25,000)	
Additions, Improvements and Equipment.....	(91,000)	

The amount in the Board of New Jersey Pilot Commissioners account is payable out of receipts, and any receipts in excess of the amounts specifically set forth above are appropriated.

The unexpended balances as of June 30, 1993 in the accounts hereinabove which are applicable to assessments made by the Board of Regulatory Commissioners under P.L.1968, c.173 (C.48:2-59 et seq.) and P.L.1972, c.186 (C.48:5A-1 et seq.) are appropriated.

47 Enforcement Policy

02-4855 Air Pollution Control		$1,100,000
07-4850 Water Monitoring and Planning		973,000
15-4855 Land Use Regulation		1,176,000
22-4855 Water Quality Management		2,819,000
23-4855 Hazardous Waste Management		1,222,000
Total Appropriation, Enforcement Policy		$7,290,000
Personal Services:		
Salaries and Wages	($2,537,000)	
Materials and Supplies	(94,000)	
Services Other Than Personal	(97,000)	
Maintenance and Fixed Charges	(92,000)	
Special Purpose:		
Air Pollution Monitoring and Control Programs	(1,100,000)	
Waterfront Development Program	(40,000)	
Stream Encroachment	(144,000)	
Regulation of Freshwater Wetlands	(150,000)	
Tidelands Peak Demands	(217,000)	
Surface Water Discharge Permits	(2,819,000)	

Of the amount hereinabove for Land Use Regulation, $541,000 shall first be charged to receipts derived from the sales, grants, leases, licensing and rentals of State riparian lands as reimbursement for staff and administrative costs necessary for managing and providing proper surveillance and enforcement of State rights over the use of State-owned riparian lands.

50 Economic Planning, Development and Security

52 Economic Regulation

54-4922 Division of Telecommunications		$956,000
54-4927 Division of Gas		1,645,000
54-4928 Division of Electric		1,473,000
54-4929 Division of Water and Sewer		1,256,000
55-4924 Regulation of Cable Television		1,269,000
99-4920 Management and Administrative Services		4,143,000
Total Appropriation, Economic Regulation		$10,742,000
Personal Services:		
Salaries and Wages	($10,069,000)	

Materials and Supplies	(267,000)
Services Other Than Personal	(282,000)
Maintenance and Fixed Charges	(44,000)
Additions, Improvements and Equipment	(80,000)

In addition to the sum hereinabove, such other sums as the Director of the Division of Budget and Accounting shall determine, are considered as appropriated on behalf of the Board of Regulatory Commissioners under P.L.1968, c.173 (C.48:2-59 et seq.) and P.L.1972, c.186 (C.48:5A-32 et seq.), or other applicable statutes with respect to assessment of public utilities or the cable television industry.

The unexpended balance as of June 30, 1993 in this account is appropriated.

Receipts derived from fees, fines and penalties are appropriated and the unexpended balance as of June 30, 1993 of such receipts is appropriated.

Fees received from the "Electric Facility Need Assessment Act," P.L.1983, c.115 (C.48:7-16 et seq.) are appropriated.

Total Appropriation, Department of Environmental Protection and Energy	$156,367,000

The amounts hereinabove for the Air Pollution Monitoring and Control Programs accounts are payable out of the receipts generated through licensing fees and penalties, and the unexpended balances in the Air Pollution Monitoring and Control Programs accounts as of June 30, 1993, together with receipts in excess of the amount anticipated, are appropriated. If receipts are less than anticipated, the appropriation shall be reduced proportionately.

The amounts hereinabove for the Ground Water Discharge Permits and the Surface Water Discharge Permits accounts are payable out of fees received pursuant to the provisions of the "Water Pollution Control Act," P.L.1977, c.74 (C.58:10A-1 et seq.), and the unexpended balances as of June 30, 1993 in the Ground Water Discharge Permits and the Surface Water Discharge Permits accounts, as well as any receipts received in excess of the respective anticipated amounts, are appropriated for such purposes. If receipts are less than anticipated, the appropriation shall be reduced proportionately.

Receipts in excess of the amount anticipated from hazardous waste fees and the unexpended balance of such fees as of June 30, 1993, are appropriated for hazardous waste management program activities, subject to the approval of the Director of the Division of Budget and Accounting.

The amounts hereinabove for the Waterfront Development Program and Stream Encroachment accounts are payable out of fees received through the Environmental Services Fund, established pursuant to section 5 of P.L.1975, c.232 (C.13:1D-29 et seq.), and the unexpended balances of the fund as of June 30, 1993, together with any receipts in excess of the amount anticipated are appropriated for those accounts. If the receipts to any of the accounts are less than anticipated, the respective appropriation shall be reduced proportionately.

The amounts hereinabove for the Freshwater Wetlands Fees account and the Regulation of Freshwater Wetlands account under the Enforcement Policy Statewide Program classification are payable out of fees received pursuant to the "Freshwater Wetlands Protection Act," P.L.1987, c.156 (C.13:9B-1 et al.), and the unexpended balances as of June 30, 1993 in the Freshwater Wetlands Fees account and the Regulation of Freshwater Wetlands account under the Enforcement Policy Statewide Program classification, together with receipts in excess of the respective anticipated amounts, are appropriated. If the receipts are less than anticipated, the respective appropriation shall be reduced proportionately.

The unexpended balances as of June 30, 1993 in the Water Pollution Control Program accounts together with penalty receipts received by the Department of Environmental Protection and Energy pursuant to the "Clean Water Enforcement Act," P.L.1990, c.28, are appropriated.

The amounts hereinabove for the Tidelands Peak Demands accounts are payable out of receipts derived from the sales, grants, leases, licensing, and rentals of State riparian lands, and the receipts in excess of the amount anticipated, not to exceed $422,000, are appropriated.

46 DEPARTMENT OF HEALTH

20 Physical and Mental Health

21 Health Services

01-4215 Vital Statistics	$1,012,000
02-4220 Family Health Services	1,989,000
03-4230 Epidemiology, Environmental and Occupational Health Services	13,785,000

04-4240 Alcoholism, Drug Abuse and Addiction Services		1,055,000
08-4280 Laboratory Services		4,880,000
12-4245 AIDS Services		3,113,000
Total Appropriation, Health Services		$25,834,000
Personal Services:		
Salaries and Wages	($15,710,000)	
Materials and Supplies	(3,553,000)	
Services Other Than Personal	(1,515,000)	
Maintenance and Fixed Charges	(281,000)	
Special Purpose:		
Treatment and Control of Drug Resistant Tuberculosis	(553,000)	
New Jersey State Commission on Cancer Research	(1,000,000)	
Rabies Control Program	(453,000)	
Animal Population Control Program	(550,000)	
Worker and Community Right to Know	(1,419,000)	
AIDS Program Correctional Inmates	(300,000)	
Public Health Laboratory Restoration	(500,000)	

Receipts in excess of those anticipated for the HealthStart Program are appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

The unexpended balance as of June 30, 1993, in the Comprehensive Regulated Medical Waste Management Act account, together with any receipts received by the Department of Health pursuant to the provisions of the "Comprehensive Regulated Medical Waste Management Act," P.L.1989, c.34 (C.13:1E-48.1 et seq.) are appropriated.

Notwithstanding the provisions of P.L.1989, c.34 (C.13:1E-48.1 et seq.) 35 percent of the receipts received pursuant to the provisions of the "Comprehensive Regulated Medical Waste Management Act," are appropriated to the Department of Health.

The unexpended balance as of June 30, 1993 in the Rabies Control Program account, together with any receipts in excess of the amount anticipated, are appropriated.

The unexpended balance as of June 30, 1993 in the Animal Population Control Program account, together with any receipts in excess of the amount anticipated, are appropriated.

The amount hereinabove for the Animal Population Control Program account is payable out of the Animal Population Control Fund. If receipts to that fund are less than anticipated, the appropriation shall be reduced proportionately.

The amount hereinabove for the Rabies Control Program account is payable out of the Rabies Control Fund. If receipts to that fund are less than anticipated, the appropriation shall be reduced proportionately.

The unexpended balances as of June 30, 1993 in the Worker and Community Right to Know program account, together with any receipts in excess of the amount anticipated, not to exceed $750,000, are appropriated.

Notwithstanding the provisions of the "Worker and Community Right to Know Act," P.L.1983, c.315 (C.34:5A-1 et seq.), the amount hereinabove for the Worker and Community Right to Know account is payable out of the Worker and Community Right to Know Fund. If receipts to that fund are less than anticipated, the appropriation shall be reduced proportionately.

The unexpended balance as of June 30, 1993, in the New Jersey State Commission on Cancer Research account is appropriated.

The amount hereinabove for the New Jersey State Commission on Cancer Research is charged to the Cancer Research Fund pursuant to section 5 of P.L.1982, c.40 (C.54:40A-37.1).

The Division of Alcoholism, Drug Abuse and Addiction Services is authorized to bill a patient, a patient's estate, or the person chargeable for a patient's support, or the county of residence for institutional, residential and out-patient support of patients treated for alcoholism or drug abuse, or both. Receipts derived from billings or fees and unexpended balances as of June 30, 1993 from these billings and fees are appropriated to the Department of Health, Division of Alcoholism and Drug Abuse and Addiction Services, for the support of the alcohol and drug abuse programs.

There are appropriated from the Alcohol Education, Rehabilitation and Enforcement Fund such sums as may be necessary to carry out the provisions of P.L.1983, c.531 (C.26:2B-32 et al.).

The Director of the Division of Budget and Accounting is empowered to transfer or credit appropriations to the Department of Health for diagnostic laboratory services provided to any other agency or department; provided further, however, that funds have been appropriated or allocated to such agency or department for the purpose of purchasing these services.

Receipts from licenses, permits and fees collected by the Department of Health in Health Services, in excess of those anticipated, are appropriated subject to the approval of the Director of the Division of Budget and Accounting.

From the amount appropriated hereinabove for Public Health Laboratory Restoration there is allocated an amount not less than $124,000 for laboratory testing support.

22 Health Planning and Evaluation

06-4260 Health Facilities Evaluation		$2,831,000
07-4270 Health Care Planning, Financing and Information Services		3,300,000
10-4265 Health Facilities Inspection Services		3,177,000
Total Appropriation, Health Planning and Evaluation		$9,308,000
Personal Services:		
Salaries and Wages	($7,461,000)	
Materials and Supplies	(192,000)	
Services Other Than Personal	(991,000)	
Maintenance and Fixed Charges	(164,000)	
Special Purpose:		
Preventive Health Program for Uninsured Children	(1,000,000)	
Emergency Medical Services for Children Program	(500,000)	
Less:		
New Jersey SHIELD program payment	*(1,000,000)*	

Receipts derived from fees charged for the review of uniform construction code plans for health facilities and the unexpended balances of such receipts as of June 30, 1993, are appropriated for the costs of this program.

Receipts derived from fees charged for processing Certificate of Need applications and the unexpended balances of such receipts as of June 30, 1993, are appropriated for the cost of this program, subject to the approval of the Director of the Division of Budget and Accounting.

Receipts from fees established by the Commissioner of Health for licensing of clinical laboratories pursuant to P.L.1975, c.166 (C.45:9-42.26 et seq.), and blood banks pursuant to P.L.1963, c.33 (C.26:2A-2 et seq.), and the unexpended balance as of June 30, 1993 of the fees are appropriated.

The unexpended balance as of June 30, 1993, in the Hospital Rate Setting account together with any receipts in excess of the amount anticipated are appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

The amount hereinabove for the Hospital Rate Setting account is payable out of the Hospital Rate Setting Fund. If receipts to this fund are less than anticipated, the appropriation shall be reduced proportionately.

Notwithstanding any other provision of law to the contrary, effective July 1, 1992, a $5.00 charge per adjusted admission in the year 1988 shall be assessed each institution for which the Hospital Rate Setting Commission determined a preliminary cost base.

Any receipts from Facility Rate Setting, in excess of the amount anticipated by the Department of Human Services, are appropriated to the Department of Health.

The unexpended balance as of June 30, 1993, in the Residential Alcoholism Treatment Facilities Rate Setting account is appropriated.

The unexpended balance as of June 30, 1993, in the Special Hospital Rate Setting account is appropriated.

Receipts from licenses, permits and fees collected by the Department of Health in Health Planning and Evaluation, in excess of those anticipated, are appropriated subject to the approval of the Director of the Division of Budget and Accounting.

The amount hereinabove for Preventive Health Program for Uninsured Children is payable through the New Jersey SHIELD program.

25 Health Administration

99-4210 Management and Administrative Services		$2,457,000
Total Appropriation, Health Administration		$2,457,000
Personal Services:		
Salaries and Wages	($1,623,000)	
Materials and Supplies	(161,000)	
Services Other Than Personal	(232,000)	
Maintenance and Fixed Charges	(358,000)	
Special Purpose:		
Affirmative Action and Equal Employment Opportunity	(77,000)	
Additions, Improvements and Equipment	(6,000)	
Total Appropriation, Department of Health		$37,599,000

Programs funded from monies deposited in the "Health Care Cost Reduction Fund" established pursuant to section 25 of P.L.1991, c.187 (C.26:2H-18.47) shall be provided the required funding to continue, subject to the approval of the Director of the Division of Budget and Accounting. The funding should first come from the unexpended balances of the "Health Care Cost Reduction Fund," with the remaining balances being funded from the monies deposited in the Health Care Subsidy Fund established pursuant to section 8 of P.L.1992, c.160 (C.26:2H-18.58).

The unexpended balances as of June 30, 1993 in the "Health Care Cost Reduction Fund" are appropriated.

An amount not to exceed $1,500,000 is appropriated to the Department of Health from monies deposited in the "Health Care Cost Reduction Fund" established pursuant to section 25 of P.L.1991, c.187 (C.26:2H-18.47) to assist nonprofit community agencies in providing ambulatory services to target populations, including the elderly, as an alternative to costly institutional care.

Receipts from licenses, permits and fees collected by the Department of Health, in excess of those anticipated, are appropriated subject to the approval of the Director of the Division of Budget and Accounting.

50 DEPARTMENT OF HIGHER EDUCATION

30 Educational, Cultural and Intellectual Development

36 Higher Educational Services

5400 Office of the Chancellor

03-5400 New Jersey Educational Opportunity Fund		$504,000
05-5400 Student Financial Assistance Administration		2,744,000
99-5400 Management and Administrative Services		4,766,000
Total Appropriation, Office of the Chancellor		$8,014,000
Personal Services:		
Salaries and Wages	($4,469,000)	
Materials and Supplies	(221,000)	
Services Other Than Personal	(1,287,000)	
Maintenance and Fixed Charges	(162,000)	
Special Purpose:		
NJCLASS	(400,000)	
Board of Higher Education Expenses	(14,000)	
Systemwide Accountability	(150,000)	
Basic Skills Assessment Program	(1,250,000)	
Affirmative Action and Equal Employment Opportunity	(27,000)	
Additions, Improvements and Equipment	(34,000)	

The unexpended balances as of June 30, 1993 and other income from the Federal Loan Collection and Reimbursement Program are appropriated.

5450 Thomas A. Edison State College

17-5450 Institutional Support		$8,147,000
Sub-Total General Operations		$8,147,000
Total All Operations		$8,147,000
Less:		
Self Sustaining Income	*($833,000)*	

General Services Income	*(3,622,000)*	
Total Income Deductions		*($4,455,000)*
Total Appropriation, Thomas A. Edison State College		$3,692,000
Personal Services:		
Salaries and Wages	($5,770,000)	
Materials and Supplies	(434,000)	
Services Other Than Personal	(1,604,000)	
Maintenance and Fixed Charges	(209,000)	
Special Purpose:		
Affirmative Action and Equal Employment Opportunity	(14,000)	
Additions, Improvements and Equipment	(116,000)	
Less:		
Self Sustaining Income	*(833,000)*	
General Services Income	*(3,622,000)*	

5500 Rowan College of New Jersey

11-5500 Instruction		$19,993,000
12-5500 Sponsored Programs and Research		80,000
15-5500 Academic Support		3,801,000
16-5500 Student Services		4,763,000
17-5500 Institutional Support		7,425,000
19-5500 Physical Plant and Support Services		5,834,000
Sub-Total General Operations		$41,896,000
Special Funds Expense		4,019,000
Auxiliary Funds Expense		15,015,000
Total All Operations		$60,930,000
Less:		
General Services Income	*($13,029,000)*	
Special Funds Income	*(4,019,000)*	
Auxiliary Services Income	*(15,015,000)*	
Total Income Deductions		*($32,063,000)*
Total Appropriation, Rowan College of New Jersey		$28,867,000
Personal Services:		
Salaries and Wages	($32,010,000)	
Materials and Supplies	(2,888,000)	
Services Other Than Personal	(2,615,000)	
Maintenance and Fixed Charges	(1,384,000)	
Special Purpose:		
Camden Urban Center	(727,000)	
Separately Budgeted Research	(80,000)	
College Work-Study Program (State Share)	(200,000)	
Affirmative Action and Equal Employment Opportunity	(65,000)	
Additions, Improvements and Equipment	(1,927,000)	
Special Funds Expense	(4,019,000)	
Auxiliary Funds Expense	(15,015,000)	

Less:		
General Services Income	*(13,029,000)*	
Special Funds Income	*(4,019,000)*	
Auxiliary Services Income	*(15,015,000)*	

Actual full-time and part-time undergraduate and graduate enrollments, exclusive of enrollment in Extension and Public Service programs and summer session, shall not exceed 5,950 full-time equivalent (FTE) students at Rowan College of New Jersey. In the event that actual enrollments exceed 6,188, the amount appropriated hereinabove for Rowan College of New Jersey may be reduced by a sum equal to the tuition receipts collected by the College for those full-time equivalent students above 6,188, any such adjustment to occur in the last quarter of the fiscal year. An exception to this provision may be made upon approval of the Chancellor of Higher Education and the Director of the Division of Budget and Accounting.

5510 Jersey City State College

11-5510 Instruction		$18,688,000
12-5510 Sponsored Programs and Research		70,000
15-5510 Academic Support		1,797,000
16-5510 Student Services		2,402,000
17-5510 Institutional Support		5,250,000
19-5510 Physical Plant and Support Services		5,555,000
Sub-Total General Operations		$33,762,000
Special Funds Expense		3,756,000
Auxiliary Funds Expense		6,690,000
Total All Operations		$44,208,000
Less:		
General Services Income	*($8,523,000)*	
Special Funds Income	*(3,756,000)*	
Auxiliary Services Income	*(6,690,000)*	
Total Income Deductions		*($18,969,000)*
Total Appropriation, Jersey City State College		$25,239,000
Personal Services:		
Salaries and Wages	($24,719,000)	
Materials and Supplies	(2,412,000)	
Services Other Than Personal	(2,249,000)	
Maintenance and Fixed Charges	(1,360,000)	
Special Purpose:		
A. Harry Moore Laboratory School	(1,078,000)	
Basic Science and Technological Equipment	(35,000)	
Separately Budgeted Research	(70,000)	
Minority Student Recruitment	(135,000)	
National Direct Student Loan Program (State Share)	(20,000)	
College Work-Study Program (State Share)	(120,000)	

Affirmative Action and Equal Employment Opportunity	(110,000)
Tidelands Athletic Fields	(145,000)
Additions, Improvements and Equipment	(1,309,000)
Special Funds Expense	(3,756,000)
Auxiliary Funds Expense	(6,690,000)
Less:	
General Services Income	*(8,523,000)*
Special Funds Income	*(3,756,000)*
Auxiliary Services Income	*(6,690,000)*

Actual full-time and part-time undergraduate and graduate enrollments, exclusive of enrollment in Extension and Public Service programs and summer session, shall not exceed 4,000 full-time equivalent (FTE) students at Jersey City State College. In the event that actual enrollments exceed 4,160, the amount appropriated hereinabove for Jersey City State College may be reduced by a sum equal to the tuition receipts collected by the College for those full-time equivalent students above 4,160, any such adjustment to occur in the last quarter of the fiscal year. An exception to this provision may be made upon approval of the Chancellor of Higher Education and the Director of the Division of Budget and Accounting.

5520 Kean College of New Jersey

11-5520 Instruction		$26,075,000
12-5520 Sponsored Programs and Research		75,000
15-5520 Academic Support		2,070,000
16-5520 Student Services		2,922,000
17-5520 Institutional Support		7,030,000
19-5520 Physical Plant and Support Services		6,220,000
Sub-Total General Operations		$44,392,000
Special Funds Expense		5,400,000
Auxiliary Funds Expense		5,540,000
Total All Operations		$55,332,000
Less:		
General Services Income	*($16,668,000)*	
Special Funds Income	*(5,400,000)*	
Auxiliary Services Income	*(5,540,000)*	
Total Income Deductions		*($27,608,000)*
Total Appropriation, Kean College of New Jersey		$27,724,000
Personal Services:		
Salaries and Wages	($35,590,000)	
Materials and Supplies	(3,804,000)	
Services Other Than Personal	(2,977,000)	
Maintenance and Fixed Charges	(929,000)	
Special Purpose:		
Separately Budgeted Research	(75,000)	
College Work-Study Program (State Share)	(70,000)	

Affirmative Action and Equal Employment Opportunity	(54,000)
Additions, Improvements and Equipment	(893,000)
Special Funds Expense	(5,400,000)
Auxiliary Funds Expense	(5,540,000)
Less:	
General Services Income	*(16,668,000)*
Special Funds Income	*(5,400,000)*
Auxiliary Services Income	*(5,540,000)*

Actual full-time and part-time undergraduate and graduate enrollments, exclusive of enrollment in Extension and Public Service programs and summer session, shall not exceed 7,800 full-time equivalent (FTE) students at Kean College of New Jersey. In the event that actual enrollments exceed 8,112, the amount appropriated hereinabove for Kean College of New Jersey may be reduced by a sum equal to the tuition receipts collected by the College for those full-time equivalent students above 8,112, any such adjustment to occur in the last quarter of the fiscal year. An exception to this provision may be made upon approval of the Chancellor of Higher Education and the Director of the Division of Budget and Accounting.

5530 The William Paterson College of New Jersey

11-5530 Instruction		$21,149,000
12-5530 Sponsored Programs and Research		150,000
15-5530 Academic Support		4,383,000
16-5530 Student Services		4,615,000
17-5530 Institutional Support		7,190,000
19-5530 Physical Plant and Support Services		8,317,000
Sub-Total General Operations		$45,804,000
Special Funds Expense		2,751,000
Auxiliary Funds Expense		11,726,000
Total All Operations.		$60,281,000
Less:		
General Services Income	*($14,895,000)*	
Special Funds Income	*(2,751,000)*	
Auxiliary Services Income	*(11,726,000)*	
Total Income Deductions		*($29,372,000)*
Total Appropriation, The William Paterson College of New Jersey		$30,909,000
Personal Services:		
Salaries and Wages	($34,546,000)	
Materials and Supplies	(3,877,000)	
Services Other Than Personal	(3,001,000)	
Maintenance and Fixed Charges	(969,000)	
Special Purpose:		
Academic Development	(170,000)	
Separately Budgeted Research	(150,000)	

College Work-Study Program (State Share)	(100,000)
Affirmative Action and Equal Employment Opportunity	(80,000)
Outcomes Assessment	(65,000)
Additions, Improvements and Equipment	(2,846,000)
Special Funds Expense	(2,751,000)
Auxiliary Funds Expense	(11,726,000)
Less:	
General Services Income	*(14,895,000)*
Special Funds Income	*(2,751,000)*
Auxiliary Services Income	*(11,726,000)*

Actual full-time and part-time undergraduate and graduate enrollments, exclusive of enrollment in Extension and Public Service programs and summer session, shall not exceed 6,500 full-time equivalent (FTE) students at the William Paterson College of New Jersey. In the event that actual enrollments exceed 6,760, the amount appropriated hereinabove for the William Paterson College of New Jersey may be reduced by a sum equal to the tuition receipts collected by the College for those full-time equivalent students above 6,760, any such adjustment to occur in the last quarter of the fiscal year. An exception to this provision may be made upon the approval of the Chancellor of Higher Education and the Director of the Division of Budget and Accounting.

5540 Montclair State College

11-5540 Instruction		$26,501,000
12-5540 Sponsored Programs and Research		120,000
13-5540 Extension and Public Service		600,000
15-5540 Academic Support		6,456,000
16-5540 Student Services		4,791,000
17-5540 Institutional Support		10,625,000
19-5540 Physical Plant and Support Services		5,785,000
Sub-Total General Operations		$54,878,000
Special Funds Expense		5,826,000
Auxiliary Funds Expense		5,854,000
Total All Operations		$66,558,000
Less:		
General Services Income	*($18,903,000)*	
Conservation School Receipts	*(475,000)*	
Special Funds Income	*(5,826,000)*	
Auxiliary Services Income	*(5,854,000)*	
Total Income Deductions		*($31,058,000)*
Total Appropriation, Montclair State College		$35,500,000
Personal Services:		
Salaries and Wages	($40,052,000)	
Materials and Supplies	(4,300,000)	
Services Other Than Personal	(5,251,000)	

Maintenance and Fixed Charges	(1,819,000)
Special Purpose:	
Separately Budgeted Research	(120,000)
New Jersey State School of Conservation	(600,000)
College Work-Study Program (State Share)	(70,000)
Affirmative Action and Equal Employment Opportunity	(102,000)
Additions, Improvements and Equipment	(2,564,000)
Special Funds Expense	(5,826,000)
Auxiliary Funds Expense	(5,854,000)
Less:	
General Services Income	*(18,903,000)*
Conservation School Receipts	*(475,000)*
Special Funds Income	*(5,826,000)*
Auxiliary Services Income	*(5,854,000)*

Actual full-time and part-time undergraduate and graduate enrollments, exclusive of enrollment in Extension and Public Service programs and summer session, shall not exceed 8,336 full-time equivalent (FTE) students at Montclair State College. In the event that actual enrollments exceed 8,669, the amount appropriated hereinabove for Montclair State College may be reduced by a sum equal to the tuition receipts collected by the College for those full-time equivalent students above 8,669, any such adjustment to occur in the last quarter of the fiscal year. An exception to this provision may be made upon approval of the Chancellor of Higher Education and the Director of the Division of Budget and Accounting.

In addition to the sums hereinabove appropriated to Montclair State College, all revenues from lease agreements between Montclair State College and corporations operating satellite relay stations are appropriated.

5550 Trenton State College

11-5550 Instruction	$21,941,000
12-5550 Sponsored Programs and Research	103,000
15-5550 Academic Support	3,843,000
16-5550 Student Services	6,987,000
17-5550 Institutional Support	6,948,000
19-5550 Physical Plant and Support Services	8,261,000
Sub-Total General Operations	$48,083,000
Special Funds Expense	2,563,000
Auxiliary Funds Expense	19,567,000
Total All Operations	$70,213,000

Less:		
General Services Income	*($19,816,000)*	
Special Funds Income	*(2,563,000)*	
Auxiliary Services Income	*(19,567,000)*	
Total Income Deductions		*($41,946,000)*
Total Appropriation, Trenton State College		$28,267,000
Personal Services:		
Salaries and Wages	($35,294,000)	
Materials and Supplies	(4,179,000)	
Services Other Than Personal	(3,674,000)	
Maintenance and Fixed Charges	(733,000)	
Special Purpose:		
Separately Budgeted Research	(103,000)	
Minority Students Recruitment and Scholarships	(250,000)	
College Work-Study Program (State Share)	(37,000)	
Trustee Scholarships	(1,992,000)	
Affirmative Action and Equal Employment Opportunity	(43,000)	
Additions, Improvements and Equipment	(1,778,000)	
Special Funds Expense	(2,563,000)	
Auxiliary Funds Expense	(19,567,000)	
Less:		
General Services Income	*(19,816,000)*	
Special Funds Income	*(2,563,000)*	
Auxiliary Services Income	*(19,567,000)*	

Actual full-time and part-time undergraduate and graduate enrollments, exclusive of enrollment in Extension and Public Service programs and summer session, shall not exceed 5,650 full-time equivalent (FTE) students at Trenton State College. In the event that actual enrollments exceed 5,876, the amount appropriated hereinabove for Trenton State College may be reduced by a sum equal to the tuition receipts collected by the College for those full-time equivalent students above 5,876, any such adjustment to occur in the last quarter of the fiscal year. An exception to this provision may be made upon approval of the Chancellor of Higher Education and the Director of the Division of Budget and Accounting.

5560 Ramapo College of New Jersey

11-5560 Instruction	$9,370,000
12-5560 Sponsored Programs and Research	50,000
15-5560 Academic Support	1,567,000
16-5560 Student Services	2,710,000
17-5560 Institutional Support	4,459,000
19-5560 Physical Plant and Support Services	4,646,000
Sub-Total General Operations	$22,802,000
Special Funds Expense	1,662,000

Auxiliary Funds Expense		8,319,000
Total All Operations		$32,783,000
Less:		
General Services Income	*($7,563,000)*	
Special Funds Income	*(1,662,000)*	
Auxiliary Services Income	*(8,319,000)*	
Total Income Deductions		*($17,544,000)*
Total Appropriation, Ramapo College of New Jersey		$15,239,000
Personal Services:		
Salaries and Wages	($17,144,000)	
Materials and Supplies	(2,174,000)	
Services Other Than Personal	(1,636,000)	
Maintenance and Fixed Charges	(487,000)	
Special Purpose:		
Separately Budgeted Research	(50,000)	
College Work-Study Program (State Share)	(70,000)	
Student Financial Assistance	(260,000)	
Affirmative Action and Equal Employment Opportunity	(120,000)	
Additions, Improvements and Equipment	(861,000)	
Special Funds Expense	(1,662,000)	
Auxiliary Funds Expense	(8,319,000)	
Less:		
General Services Income	*(7,563,000)*	
Special Funds Income	*(1,662,000)*	
Auxiliary Services Income	*(8,319,000)*	

Actual full-time and part-time undergraduate and graduate enrollments, exclusive of enrollment in Extension and Public Service programs and summer session, shall not exceed 3,250 full-time equivalent (FTE) students at Ramapo College of New Jersey. In the event that actual enrollments exceed 3,380, the amount appropriated hereinabove for Ramapo College of New Jersey may be reduced by a sum equal to the tuition receipts collected by the College for those full-time equivalent students above 3,380, any such adjustment to occur in the last quarter of the fiscal year. An exception to this provision may be made upon approval of the Chancellor of Higher Education and the Director of the Division of Budget and Accounting.

5570 Richard Stockton State College

11-5570 Instruction	$12,000,000
12-5570 Sponsored Programs and Research	70,000
15-5570 Academic Support	2,219,000
16-5570 Student Services	2,129,000
17-5570 Institutional Support	3,897,000
19-5570 Physical Plant and Support Services	4,961,000
Sub-Total General Operations	$25,276,000
Special Funds Expense	1,550,000

Auxiliary Funds Expense		7,757,000
Total All Operations		$34,583,000
Less:		
General Services Income	*($8,758,000)*	
Special Funds Income	*(1,550,000)*	
Auxiliary Services Income	*(7,757,000)*	
Total Income Deductions		*($18,065,000)*
Total Appropriation, Richard Stockton State College		$16,518,000
Personal Services:		
Salaries and Wages	($19,933,000)	
Materials and Supplies	(2,214,000)	
Services Other Than Personal	(1,576,000)	
Maintenance and Fixed Charges	(586,000)	
Special Purpose:		
Separately Budgeted Research	(70,000)	
National Direct Student Loan Program (State Share)	(25,000)	
College Work-Study Program (State Share)	(55,000)	
Scholarship and Loan Assistance	(150,000)	
Affirmative Action and Equal Employment Opportunity	(48,000)	
Additions, Improvements and Equipment	(619,000)	
Special Funds Expense	(1,550,000)	
Auxiliary Funds Expense	(7,757,000)	
Less:		
General Services Income	*(8,758,000)*	
Special Funds Income	*(1,550,000)*	
Auxiliary Services Income	*(7,757,000)*	

Actual full-time and part-time undergraduate and graduate enrollments, exclusive of enrollment in Extension and Public Service programs and summer session, shall not exceed 4,300 full-time equivalent (FTE) students at Stockton State College. In the event that actual enrollments exceed 4,472, the amount appropriated hereinabove for Stockton State College may be reduced by a sum equal to the tuition receipts collected by the College for those full-time equivalent students above 4,472, any such adjustment to occur in the last quarter of the fiscal year. An exception to this provision may be made upon approval of the Chancellor of Higher Education and the Director of the Division of Budget and Accounting.

5600 Rutgers, The State University

Rutgers University Programs

11-5600 Instruction	$186,891,000
12-5600 Sponsored Programs and Research.	18,067,000
13-5600 Extension and Public Service	4,331,000
14-5600 Auxiliary Services	5,281,000
15-5600 Academic Support	24,787,000

16-5600 Student Services		44,231,000
17-5600 Institutional Support		66,103,000
19-5600 Physical Plant and Support Services		65,647,000
Sub-Total General Operations		$415,338,000
Special Funds Expense		174,000,000
Auxiliary Funds Expense		116,306,000
Total All Operations		$705,644,000
Less:		
General Services Income	*($183,175,000)*	
Self-Sustaining Income	*(5,281,000)*	
Special Funds Income	*(174,000,000)*	
Auxiliary Services Income	*(116,306,000)*	
Total Income Deductions		*($478,762,000)*
Total Appropriation, Rutgers University Programs		$226,882,000
Personal Services:		
Salaries and Wages	($284,213,000)	
Materials and Supplies	(43,881,000)	
Services Other Than Personal	(21,267,000)	
Maintenance and Fixed Charges	(11,581,000)	
Special Purpose:		
Drug and Alcohol Abuse Information Clearing House	(321,000)	
Forum on Policy Research and Public Service, Rutgers--Camden	(75,000)	
College Work-Study (State Share)	(750,000)	
Affirmative Action and Equal Employment Opportunity	(83,000)	
Retirement Allowances	(580,000)	
Special Projects	(7,235,000)	
Debt Service--High Technology Initiative	(1,800,000)	
In-Lieu-Of-Tax Payments To New Brunswick	(700,000)	
Student Aid	(21,895,000)	
Rutgers Fund for Distinction Debt Service (State Match)	(12,746,000)	
Pinelands Regulations Economic Impact Study-Cook College	(50,000)	
Additions, Improvements and Equipment	(8,161,000)	
Special Funds Expense	(174,000,000)	
Auxiliary Funds Expense	(116,306,000)	
Less:		
General Services Income	*(183,175,000)*	
Self-Sustaining Income	*(5,281,000)*	
Special Funds Income	*(174,000,000)*	
Auxiliary Services Income	*(116,306,000)*	

Actual full-time and part-time undergraduate and graduate enrollment, exclusive of enrollment in Extension and Public Service programs, shall not exceed 38,579 full-time equivalent (FTE) students at Rutgers, The State University. In the event that actual enrollments exceed 40,122, the amount hereinabove for Rutgers, The State University, may be reduced by a sum equal to the tuition receipts collected by the University for those FTE students above 40,122, any such adjustment to occur in the last quarter of the fiscal year. An exception to this provision may be made upon approval of the Chancellor of Higher Education and the Director of the Division of Budget and Accounting.

For the amounts hereinabove appropriated for the Fund for Distinction Debt Service, Rutgers, The State University, shall obtain the prior approval of the Board of Higher Education for all capital projects supported in whole, or in part, from these amounts.

From the amount appropriated hereinabove in the Sponsored Programs and Research program classification there is allocated $100,000 for the Tomato Technology Transfer program.

5620 Agricultural Experiment Station

12-5620 Sponsored Programs and Research.		$12,326,000
13-5620 Extension and Public Service		6,784,000
Sub-Total General Operations.................		$19,110,000
Federal Research and Extension Funds Expense		4,500,000
Special Funds Expense		14,300,000
Total All Operations		$37,910,000
Less:		
Federal Research and Extension		
Funds Income	*($4,500,000)*	
Special Funds Income	*(14,300,000)*	
Total Income Deductions....................		*($18,800,000)*
Total Appropriation, Agricultural Experiment Station		$19,110,000
Personal Services:		
Salaries and Wages	($15,868,000)	
Materials and Supplies	(212,000)	
Services Other Than Personal.......................	(1,226,000)	
Maintenance and Fixed Charges..................	(123,000)	
Special Purpose:		
Program Enhancement and Restoration ...	(200,000)	
Renovate Laboratories	(350,000)	
Snyder farm Planning and Operation.......	(691,000)	
Tomato Testing.......................................	(6,000)	
Cooperative Extension Service	(125,000)	
Blueberry and Cranberry Research	(250,000)	
Additions, Improvements and Equipment	(59,000)	
Federal Research and Extension Funds Expense	(4,500,000)	
Special Funds Expense	(14,300,000)	
Less:		
Federal Research and Extension		
Funds Income	*(4,500,000)*	
Special Funds Income	*(14,300,000)*	

In addition to the amount hereinabove, from the amount anticipated by the State as pari-mutuel revenues, an amount not to exceed $1,200,000 from receipts attributable to unclaimed pari-mutuel tickets is appropriated to the Agricultural Experiment Station, from which amount there is allocated $300,000 for integrated crop management, $300,000 to expand urban programs, $400,000 for solid waste management programs, and $200,000 for equine programs.

Total Appropriation, Rutgers, The State University	$245,992,000

5630 University of Medicine and Dentistry of New Jersey

11-5630 Instruction		$93,529,000
13-5630 Extension and Public Service		258,949,000
15-5630 Academic Support		3,924,000
16-5630 Student Services		6,093,000
17-5630 Institutional Support		35,105,000
19-5630 Physical Plant and Support Services		33,270,000
20-5630 Core Affiliates		4,574,000
Subtotal General Operations		$435,444,000
Special Funds Expense		108,269,000
Auxiliary Funds Expense		6,022,000
Robert Wood Johnson Community Mental Health Center Expense		24,868,000
New Jersey Medical School Community Mental Health Center Expense		10,018,000
Total All Operations		$584,621,000
Less:		
General Services Income	*($35,510,000)*	
Hospital Services Income	*(221,759,000)*	
Capital Facilities Allowance	*(6,529,000)*	
Special Services Income	*(108,269,000)*	
Auxiliary Services Income	*(6,022,000)*	
Core Affiliates Income	*(4,735,000)*	
Robert Wood Johnson Community Mental Health Center Income	*(24,868,000)*	
New Jersey Medical School Community Mental Health Center Income	*(10,018,000)*	
Total Income Deductions		*($417,710,000)*
Total Appropriation, University of Medicine and Dentistry of New Jersey		$166,911,000
Personal Services:		
Salaries and Wages	($256,260,000)	
Materials and Supplies	(55,499,000)	
Services Other Than Personal	(71,754,000)	
Maintenance and Fixed Charges	(16,585,000)	
Special Purpose:		
Dental Residency Program	(750,000)	
Area Health Education Center	(290,000)	

Regional Health Education Center - Union County	(1,500,000)
Graduate Medical Education	(126,000)
University Hospital Debt Service--Equipment and Renovations	(2,495,000)
Emergency Medical Service--Camden	(800,000)
University Student Aid	(3,200,000)
Debt Service--High Technology Initiative	(1,593,000)
Core Affiliate--Robert Wood Johnson Medical School--Piscataway	(2,440,000)
Core Affiliate--New Jersey School of Osteopathic Medicine	(2,134,000)
Sexual Abuse Diagnostic Center - Camden	(300,000)
Additions, Improvements and Equipment	(19,718,000)
Special Funds Expense	(108,269,000)
Auxiliary Funds Expense	(6,022,000)
Robert Wood Johnson Community Mental Health Center	(24,868,000)
New Jersey Medical School Community Mental Health Center	(10,018,000)
Less:	
Income	*(417,710,000)*

The University of Medicine and Dentistry of New Jersey is authorized to operate its continuing medical-dental education program as a revolving fund and the revenue collected therefrom, and any unexpended balance therein, is retained for such fund.

The appropriations for the University are made to Support Units, Educational Units, University Hospital, and Community Mental Health Centers.

In addition to the sums hereinabove appropriated to the University of Medicine and Dentistry of New Jersey, all revenues from lease agreements between the university and contracted organizations are appropriated.

The unexpended balances as of June 30, 1993 in the accounts hereinabove are appropriated for the purposes of the University of Medicine and Dentistry of New Jersey.

5640 New Jersey Institute of Technology

11-5640 Instruction	$29,554,000
12-5640 Sponsored Programs and Research	1,066,000
13-5640 Extension and Public Service	965,000
15-5640 Academic Support	8,650,000
16-5640 Student Services	7,597,000
17-5640 Institutional Support	13,454,000
19-5640 Physical Plant and Support Services	8,151,000
Sub-Total General Operations	$69,437,000
Special Funds Expense	17,000,000

Auxiliary Funds Expense		3,375,000
Total All Operations		$89,812,000
Less:		
General Services Income	*($29,312,000)*	
Special Funds Income	*(17,000,000)*	
Auxiliary Services Income	*(3,375,000)*	
Total Income Deductions		*($49,687,000)*
Total Appropriation, New Jersey Institute of Technology		$40,125,000
Personal Services:		
Salaries and Wages	($47,119,000)	
Materials and Supplies	(3,987,000)	
Services Other Than Personal	(6,927,000)	
Maintenance and Fixed Charges	(1,328,000)	
Special Purpose:		
NJIT/Burlington County College Engineering Program	(100,000)	
Separately Budgeted Research	(586,000)	
Continuing Education	(850,000)	
Scholarships, Grants, Fellowships	(3,863,000)	
Student Activities	(175,000)	
Affirmative Action and Equal Employment Opportunity	(60,000)	
Board of Trustees	(4,000)	
Fringe Benefits/Retirement Allowances	(2,500,000)	
Additions, Improvements and Equipment	(1,823,000)	
Auxiliary Funds Expense	(3,375,000)	
Special Funds Expense	(17,000,000)	
DEPE Regulatory Efficiency and Vehicular Pollution Control Study	(115,000)	
Less:		
General Services Income	*(29,312,000)*	
Special Funds Income	*(17,000,000)*	
Auxiliary Services Income	*(3,375,000)*	

Actual full-time and part-time undergraduate and graduate enrollments, including summer session undergraduate and graduate enrollments, exclusive of enrollment in Extension and Public Service programs, shall not exceed 5,412 full-time undergraduate and graduate equivalent (FTE) students at the New Jersey Institute of Technology. In the event that actual enrollments exceed 5,629, the amount appropriated hereinabove for the New Jersey Institute of Technology may be reduced by a sum equal to the tuition receipts collected by the Institute for those full-time equivalent students above 5,629, any such adjustments to occur in the last quarter of the fiscal year. An exception to this provision may be made upon approval of the Chancellor of Higher Education and the Director of the Division of Budget and Accounting.

The amount hereinabove is made available, subject to the execution of a contract for the purchase of educational services between the Board of Higher Education and the Board of Trustees of Schools for Industrial Education of Newark, New Jersey, pursuant to subsection q. of N.J.S.18A:3-14.

Total Appropriation, Department of Higher Education	$672,997,000

Of the amount appropriated hereinabove for the Department of Higher Education, such sums as the Director of the Division of Budget and Accounting shall determine from the schedule at page L-39 in the Governor's Budget Recommendation Document dated February 9, 1993 first shall be charged to the State Lottery Fund.

Public colleges and universities are authorized to provide for the early retirement of staff and tenured faculty, consistent with State law, upon terms and conditions to be set forth by regulations of the Board of Higher Education and approved by the Director of the Division of Budget and Accounting.

Any institution that receives State aid under this act shall include in any letter of acceptance sent to a prospective student during Fiscal Year 1994, information on the average increase in tuition charges during the preceding three fiscal years and a statement that tuition may increase in the future.

Public colleges and universities are authorized to provide a voluntary employee furlough program.

54 DEPARTMENT OF HUMAN SERVICES

20 Physical and Mental Health

23 Mental Health Services

7700 Division of Mental Health and Hospitals

08-7700 Community Services		$4,216,000
99-7700 Management and Administrative Services		2,967,000
Total Appropriation, Division of Mental Health and Hospitals		$7,183,000
Personal Services:		
Salaries and Wages	($5,981,000)	
Materials and Supplies	(76,000)	
Services Other Than Personal	(564,000)	
Maintenance and Fixed Charges	(155,000)	
Special Purpose:		
Affirmative Action and Equal Employment Opportunity	(30,000)	
Additions, Improvements and Equipment	(377,000)	

7710 Greystone Park Psychiatric Hospital

10-7710 Patient Care and Health Services	$32,541,000

98-7710 Physical Plant and Support Services		7,379,000
99-7710 Management and Administrative Services		6,915,000
Total Appropriation, Greystone Park Psychiatric Hospital		$46,835,000
Personal Services:		
Salaries and Wages	($38,627,000)	
Materials and Supplies	(4,768,000)	
Services Other Than Personal	(2,160,000)	
Maintenance and Fixed Charges	(892,000)	
Special Purpose:		
Interim Assistance	(54,000)	
Affirmative Action and Equal Employment Opportunity	(18,000)	
Additions, Improvements and Equipment	(316,000)	

7720 Trenton Psychiatric Hospital

10-7720 Patient Care and Health Services		$24,609,000
98-7720 Physical Plant and Support Services		4,633,000
99-7720 Management and Administrative Services		3,755,000
Total Appropriation, Trenton Psychiatric Hospital		$32,997,000
Personal Services:		
Salaries and Wages	($27,546,000)	
Materials and Supplies	(2,672,000)	
Services Other Than Personal	(1,528,000)	
Maintenance and Fixed Charges	(796,000)	
Special Purpose:		
Interim Assistance	(22,000)	
Affirmative Action and Equal Employment Opportunity	(24,000)	
Additions, Improvements and Equipment	(409,000)	

7725 The Forensic Psychiatric Hospital

10-7725 Patient Care and Health Services		$9,940,000
98-7725 Physical Plant and Support Services		977,000
99-7725 Management and Administrative Services		1,223,000
Total Appropriation, The Forensic Psychiatric Hospital		$12,140,000
Personal Services:		
Salaries and Wages	($11,002,000)	
Materials and Supplies	(701,000)	
Services Other Than Personal	(311,000)	
Maintenance and Fixed Charges	(70,000)	
Additions, Improvements and Equipment	(56,000)	

7730 Marlboro Psychiatric Hospital

10-7730 Patient Care and Health Services		$42,343,000
98-7730 Physical Plant and Support Services		8,224,000
99-7730 Management and Administrative Services		6,630,000
Total Appropriation, Marlboro Psychiatric Hospital		$57,197,000
Personal Services:		
Salaries and Wages	($46,608,000)	
Materials and Supplies	(5,834,000)	
Services Other Than Personal	(2,571,000)	
Maintenance and Fixed Charges	(1,360,000)	

Special Purpose:		
Interim Assistance	(183,000)	
Affirmative Action and Equal Employment Opportunity	(23,000)	
Additions, Improvements and Equipment	(618,000)	

7740 Ancora Psychiatric Hospital

10-7740 Patient Care and Health Services		$34,948,000
98-7740 Physical Plant and Support Services		5,264,000
99-7740 Management and Administrative Services		4,329,000
Total Appropriation, Ancora Psychiatric Hospital		$44,541,000
Personal Services:		
Salaries and Wages	($37,143,000)	
Materials and Supplies	(3,868,000)	
Services Other Than Personal	(1,798,000)	
Maintenance and Fixed Charges	(942,000)	
Special Purpose:		
Interim Assistance	(363,000)	
Affirmative Action and Equal Employment Opportunity	(23,000)	
Additions, Improvements and Equipment	(404,000)	

7750 Arthur Brisbane Child Treatment Center

10-7750 Patient Care and Health Services		$8,144,000
98-7750 Physical Plant and Support Services		730,000
99-7750 Management and Administrative Services		814,000
Total Appropriation, Arthur Brisbane Child Treatment Center		$9,688,000
Personal Services:		
Salaries and Wages	($8,431,000)	
Materials and Supplies	(520,000)	
Services Other Than Personal	(362,000)	
Maintenance and Fixed Charges	(124,000)	
Additions, Improvements and Equipment	(251,000)	

7760 Senator Garrett W. Hagedorn Center for Geriatrics

10-7760 Patient Care and Health Services		$8,287,000
98-7760 Physical Plant and Support Services		1,560,000
99-7760 Management and Administrative Services		1,379,000
Total Appropriation, Senator Garrett W. Hagedorn Center for Geriatrics		$11,226,000
Personal Services:		
Salaries and Wages	($9,282,000)	
Materials and Supplies	(1,010,000)	
Services Other Than Personal	(583,000)	
Maintenance and Fixed Charges	(244,000)	
Special Purpose:		
Interim Assistance	(8,000)	
Additions, Improvements and Equipment	(99,000)	

Division of Mental Health and Hospitals

Receipts recovered from advances made under the interim assistance program in the mental health institutions during the fiscal year ending June 30, 1994 are appropriated for the same purpose.

24 Special Health Services

7540 Division of Medical Assistance and Health Services

21-7540 Health Services Administration and Management		$16,925,000
24-7540 Pharmaceutical Assistance to the Aged and Disabled		1,986,000
Total Appropriation, Division of Medical Assistance and Health Services		$18,911,000
Personal Services:		
Salaries and Wages	($7,788,000)	
Materials and Supplies	(203,000)	
Services Other Than Personal......................	(3,000,000)	
Maintenance and Fixed Charges..................	(150,000)	
Special Purpose:		
Payments to Fiscal Agents	(4,524,000)	
Eligibility Determination	(2,000,000)	
Affirmative Action and Equal Employment Opportunity..................	(12,000)	
Professional Standards Review Organization-Utilization Review.........	(304,000)	
Payments to Fiscal Agents (PAA)...........	(734,000)	
Additions, Improvements and Equipment	(196,000)	

Notwithstanding any State law to the contrary, any third party as defined in subsection m. of section 3 of P.L.1968, c.413 (C.30:4D-3), writing health, casualty, or malpractice insurance policies in the State or covering residents of this State, shall permit and assist the Division of Medical Assistance and Health Services to match its Medicaid Eligibility file or files against that third party's file or files utilizing, if necessary, social security numbers as common identifiers.

The unexpended balance as of June 30, 1993 in the Payments to Fiscal Agents account is appropriated.

When any action by a county welfare agency, whether alone or in combination with the Division of Medical Assistance and Health Services, results in a recovery of improperly granted medical assistance, the Division of Medical Assistance and Health Services may reimburse the county welfare agency in the amount of 25% of the gross recovery.

Sufficient funds from the Health Care Subsidy Fund are appropriated to the Division of Medical Assistance and Health Services for payment to disproportionate share hospitals for uncompensated care costs as defined in P.L.1992, c.160 (C.26:2H-18.51 et al.).

Notwithstanding the provisions of P.L.1992, c.160 (C.26:2H-18.51 et al.), the unexpended balances in the "New Jersey Health Care Trust Fund" and available federal matching funds are appropriated to the Division of Medical Assistance and Health Services for payments to disproportionate share hospitals. Furthermore, notwithstanding the provisions of P.L.1992, c.160, the unexpended balances remaining pursuant to section 4 of P.L.1991, c.187 (C.26:2H-18.27), are appropriated as determined necessary, subject to the approval of the Director of the Division of Budget and Accounting.

Additional federal Title XIX revenue generated from the claiming of uncompensated care payments made to disproportionate share hospitals shall be deposited in the General Fund as anticipated revenue.

The Division of Medical Assistance and Health Services, in coordination with the county welfare agencies, shall establish a program to outstation eligibility workers in disproportionate share hospitals and federally qualified health centers.

Notwithstanding the provisions of any law to the contrary, effective July 1, 1992, all individuals other than Medicaid clients shall be assessed a $100 fee for preadmission screening services provided pursuant to P.L.1988, c.97 (C.30:4D-17.10 et seq.). All receipts from screening fees are appropriated to the Division of Medical Assistance and Health Services for Health Services Administration and Management.

30 Educational, Cultural and Intellectual Development

32 Operation and Support of Educational Institutions

7600 Division of Developmental Disabilities

99-7600 Management and Administrative Services		$8,234,000
Total State and Federal Appropriation		$8,234,000
Less:		
Federal Funds		
Management and Administrative Services	*($5,097,000)*	
Total Federal Funds		*($5,097,000)*
Total Appropriation, Division of Developmental Disabilities		$3,137,000
Personal Services:		
Salaries and Wages	($6,284,000)	
Materials and Supplies	(37,000)	
Services Other Than Personal	(327,000)	
Maintenance and Fixed Charges	(139,000)	
Special Purpose:		
Foster Grandparents Program	(755,000)	
Developmental Disabilities Council	(306,000)	
Additions, Improvements and Equipment	(386,000)	

Less:		
Federal Funds	*(5,097,000)*	

7601 Community Programs

01-7601 Purchased Residential Care		$798,000
02-7601 Social Supervision and Consultation		10,932,000
03-7601 Adult Activities		11,132,000
04-7601 Education and Day Training		26,298,000
Total State, Federal and All Other Funds Appropriation		$49,160,000
Less:		
Federal Funds		
Purchased Residential Care	*($144,000)*	
Social Supervision and Consultation	*(8,168,000)*	
Adult Activities	*(3,977,000)*	
Education and Day Training	*(475,000)*	
Total Federal Funds		*($12,764,000)*
All Other Funds		
Purchased Residential Care	*($29,000)*	
Education and Day Training	*(16,206,000)*	
Total All Other Funds		*($16,235,000)*
Total Appropriation, Community Programs		$20,161,000
Personal Services:		
Salaries and Wages	($40,147,000)	
Materials and Supplies	(2,067,000)	
Services Other Than Personal	(1,485,000)	
Maintenance and Fixed Charges	(4,758,000)	
Special Purpose:		
Guardianship Program	(285,000)	
Homemaker Services (State Share)	(133,000)	
Social Services	(32,000)	
Additions, Improvements and Equipment	(253,000)	
Less:		
Federal Funds	*(12,764,000)*	
All Other Funds	*(16,235,000)*	

Notwithstanding the provisions of any law to the contrary, the unexpended balances as of June 30, 1993 in the tuition receipt accounts established pursuant to P.L.1979, c.207 (C.18A:7B-1 et seq.) in the various departments are appropriated for education-related transportation costs and other day training related costs in the Division of Developmental Disabilities and program administration costs of the Office of Education in such amounts as the Director of the Division of Budget and Accounting shall determine to be necessary; except that such amounts shall not be in excess of $1,400,000.

7610 Green Brook Regional Center

05-7610 Residential Care and Habilitation	$3,272,000
06-7610 Health Services	855,000
07-7610 Education and Training	657,000

98-7610 Physical Plant and Support Services		1,478,000
99-7610 Management and Administrative Services		1,761,000
Total State and Federal Appropriation		$8,023,000
Less:		
Federal Funds		
Residential Care and Habilitation.......	*($2,958,000)*	
Health Services...................................	*(718,000)*	
Education and Training.......................	*(634,000)*	
Physical Plant and Support Services...	*(918,000)*	
Management and Administrative Services	*(577,000)*	
Total Federal Funds............................		*($5,805,000)*
Total Appropriation, Green Brook Regional Center		$2,218,000
Personal Services:		
Salaries and Wages	($5,805,000)	
Materials and Supplies	(848,000)	
Services Other Than Personal.......................	(347,000)	
Maintenance and Fixed Charges...................	(229,000)	
Special Purpose:		
Green Brook Mortgage	(715,000)	
Additions, Improvements and Equipment	(79,000)	
Less:		
Federal Funds	*(5,805,000)*	

7620 Vineland Developmental Center

05-7620 Residential Care and Habilitation...		$39,663,000
06-7620 Health Services...............................		11,279,000
07-7620 Education and Training		1,176,000
98-7620 Physical Plant and Support Services		6,298,000
99-7620 Management and Administrative Services		5,780,000
Total State, Federal and All Other Funds Appropriation		$64,196,000
Less:		
Federal Funds		
Residential Care and Habilitation.......	*($14,968,000)*	
Health Services...................................	*(3,905,000)*	
Physical Plant and Support Services...	*(1,241,000)*	
Management and Administrative Services	*(610,000)*	
Total Federal Funds		*($20,724,000)*
All Other Funds		
Education and Training	*($176,000)*	
Total All Other Funds		*($176,000)*
Total Appropriation, Vineland Developmental Center		$43,296,000
Personal Services:		
Salaries and Wages	($55,007,000)	
Materials and Supplies	(6,000,000)	
Services Other Than Personal.......................	(1,812,000)	
Maintenance and Fixed Charges...................	(826,000)	
Special Purpose:		
Family Care	(6,000)	
Additions, Improvements and Equipment	(545,000)	

Less:		
Federal Funds	*(20,724,000)*	
All Other Funds	*(176,000)*	

7630 North Jersey Developmental Center

05-7630 Residential Care and Habilitation		$17,088,000
06-7630 Health Services		6,738,000
07-7630 Education and Training		1,321,000
98-7630 Physical Plant and Support Services		3,412,000
99-7630 Management and Administrative Services		3,552,000
Total State, Federal and All Other Funds Appropriation		$32,111,000
Less:		
Federal Funds		
Residential Care and Habilitation	*($5,172,000)*	
Health Services	*(2,458,000)*	
Physical Plant and Support Services	*(476,000)*	
Management and Administrative Services	*(769,000)*	
Total Federal Funds		*($8,875,000)*
All Other Funds		
Education and Training	*($738,000)*	
Total All Other Funds		*($738,000)*
Total Appropriation, North Jersey Developmental Center		$22,498,000
Personal Services:		
Salaries and Wages	($26,059,000)	
Materials and Supplies	(3,028,000)	
Services Other Than Personal	(2,246,000)	
Maintenance and Fixed Charges	(587,000)	
Additions, Improvements and Equipment	(191,000)	
Less:		
Federal Funds	*(8,875,000)*	
All Other Funds	*(738,000)*	

7640 Woodbine Developmental Center

05-7640 Residential Care and Habilitation		$25,428,000
06-7640 Health Services		6,542,000
07-7640 Education and Training		559,000
98-7640 Physical Plant and Support Services		4,571,000
99-7640 Management and Administrative Services		5,195,000
Total State, Federal and All Other Funds Appropriation		$42,295,000
Less:		
Federal Funds		
Residential Care and Habilitation	*($8,954,000)*	
Health Services	*(1,976,000)*	
Physical Plant and Support Services	*(1,488,000)*	
Management and Administrative Services	*(798,000)*	
Total Federal Funds		*($13,216,000)*
All Other Funds		
Education and Training	*($188,000)*	
Total All Other Funds		*($188,000)*
Total Appropriation, Woodbine Developmental Center		$28,891,000

Personal Services:		
Salaries and Wages	($34,958,000)	
Materials and Supplies	(4,620,000)	
Services Other Than Personal	(1,697,000)	
Maintenance and Fixed Charges	(576,000)	
Additions, Improvements and Equipment	(444,000)	
Less:		
Federal Funds	*(13,216,000)*	
All Other Funds	*(188,000)*	

7650 New Lisbon Developmental Center

05-7650 Residential Care and Habilitation		$27,452,000
06-7650 Health Services		8,277,000
07-7650 Education and Training		1,456,000
98-7650 Physical Plant and Support Services		5,045,000
99-7650 Management and Administrative Services		3,030,000
Total State, Federal and All Other Funds Appropriation		$45,260,000
Less:		
Federal Funds		
Residential Care and Habilitation	*($14,119,000)*	
Health Services	*(5,835,000)*	
Physical Plant and Support Services	*(2,034,000)*	
Management and Administrative Services	*(838,000)*	
Total Federal Funds		*($22,826,000)*
All Other Funds		
Education and Training	*($330,000)*	
Total All Other Funds		*($330,000)*
Total Appropriation, New Lisbon Developmental Center		$22,104,000
Personal Services:		
Salaries and Wages	($39,815,000)	
Materials and Supplies	(3,478,000)	
Services Other Than Personal	(1,105,000)	
Maintenance and Fixed Charges	(539,000)	
Additions, Improvements and Equipment	(323,000)	
Less:		
Federal Funds	*(22,826,000)*	
All Other Funds	*(330,000)*	

7660 Woodbridge Developmental Center

05-7660 Residential Care and Habilitation		$26,475,000
06-7660 Health Services		5,948,000
07-7660 Education and Training		891,000
98-7660 Physical Plant and Support Services		3,952,000
99-7660 Management and Administrative Services		2,957,000
Total State, Federal and All Other Funds Appropriation		$40,223,000
Less:		
Federal Funds		
Residential Care and Habilitation	*($11,900,000)*	
Health Services	*(725,000)*	
Physical Plant and Support Services	*(382,000)*	

Management and Administrative Services	*(1,290,000)*	
Total Federal Funds		*($14,297,000)*
All Other Funds		
Education and Training	*($687,000)*	
Total All Other Funds		*($687,000)*
Total Appropriation, Woodbridge Developmental Center		$25,239,000
Personal Services:		
Salaries and Wages	($34,438,000)	
Materials and Supplies	(3,831,000)	
Services Other Than Personal	(1,077,000)	
Maintenance and Fixed Charges	(495,000)	
Additions, Improvements and Equipment	(382,000)	
Less:		
Federal Funds	*(14,297,000)*	
All Other Funds	*(687,000)*	

7670 Hunterdon Developmental Center

05-7670 Residential Care and Habilitation		$23,381,000
06-7670 Health Services		7,119,000
07-7670 Education and Training		1,343,000
98-7670 Physical Plant and Support Services		5,158,000
99-7670 Management and Administrative Services		2,754,000
Total State, Federal and All Other Funds Appropriation		$39,755,000
Less:		
Federal Funds		
Residential Care and Habilitation	*($6,545,000)*	
Health Services	*(1,215,000)*	
Physical Plant and Support Services	*(1,525,000)*	
Management and Administrative Services	*(927,000)*	
Total Federal Funds		*($10,212,000)*
All Other Funds		
Education and Training	*($434,000)*	
Total All Other Funds		*($434,000)*
Total Appropriation, Hunterdon Developmental Center		$29,109,000
Personal Services:		
Salaries and Wages	($34,367,000)	
Materials and Supplies	(3,357,000)	
Services Other Than Personal	(1,064,000)	
Maintenance and Fixed Charges	(601,000)	
Additions, Improvements and Equipment	(366,000)	
Less:		
Federal Funds	*(10,212,000)*	
All Other Funds	*(434,000)*	

7690 North Princeton Developmental Center

05-7690 Residential Care and Habilitation	$23,271,000
06-7690 Health Services	6,454,000
07-7690 Education and Training	191,000
98-7690 Physical Plant and Support Services	6,743,000
99-7690 Management and Administrative Services	2,985,000
Total State, Federal and All Other Funds Appropriation	$39,644,000

Less:		
Federal Funds		
Residential Care and Habilitation	*($6,812,000)*	
Health Services	*(1,058,000)*	
Physical Plant and Support Services	*(965,000)*	
Management and Administrative Services	*(844,000)*	
Total Federal Funds		*($9,679,000)*
All Other Funds		
Education and Training	*($49,000)*	
Total All Other Funds		*($49,000)*
Total Appropriation, North Princeton Developmental Center		$29,916,000
Personal Services:		
Salaries and Wages	($33,250,000)	
Materials and Supplies	(3,133,000)	
Services Other Than Personal	(2,180,000)	
Maintenance and Fixed Charges	(707,000)	
Additions, Improvements and Equipment	(374,000)	
Less:		
Federal Funds	*(9,679,000)*	
All Other Funds	*(49,000)*	

Division of Developmental Disabilities

In addition to the amount hereinabove for Operation and Support of Education Institutions of the Division of Developmental Disabilities, such other sums as the Director of the Division of Budget and Accounting shall determine, provided in Inter-departmental accounts for employee benefits, are considered as appropriated on behalf of the Developmental Centers and are available for matching federal funds.

The State appropriation is based on ICF/MR revenues of $155,141,000 provided that if the ICF/MR revenues exceed $155,141,000, there will be placed in reserve a portion of the State appropriation equal to the excess amount of ICF/MR revenues, subject to the approval of the Director of the Division of Budget and Accounting.

33 Supplemental Education and Training Programs

7560 Commission for the Blind and Visually Impaired

11-7560 Habilitation and Rehabilitation		$2,863,000
12-7560 Instruction, Community Programs and Prevention		1,329,000
99-7560 Management and Administrative Services		1,581,000
Total Appropriation, Commission for the Blindand Visually Impaired		$5,773,000
Personal Services:		
Salaries and Wages	($4,842,000)	
Materials and Supplies	(136,000)	
Services Other Than Personal	(581,000)	
Maintenance and Fixed Charges	(196,000)	
Additions, Improvements and Equipment	(18,000)	

Notwithstanding the provisions of N.J.S.18A:61-1 and N.J.S.18A:46-13, or any other law to the contrary, local boards of education shall reimburse the Commission for the Blind and Visually Impaired for the documented costs of providing services to children who are classified as "educationally handicapped;" provided however, that each local board shall pay that portion of cost which the number of children classified "educationally handicapped" bears to the total number of such children served; provided further, however, that payments shall be made by each local board in accordance with a schedule adopted by the Commissioners of Education and Human Services; and further the Director of the Division of Budget and Accounting is authorized to deduct such reimbursements from the State aid payments to the local boards of education.

The administration of the State's Vending Machine Program is transferred to the Commission for the Blind and Visually Impaired. There are appropriated from funds recovered from audits or other collection activities an amount sufficient to pay vendors fees to compensate the recoveries, and the administration of this program, subject to the approval of the Director of the Division of Budget and Accounting. Receipts in excess of $130,000 are appropriated for the purpose of expanding vision screening services, subject to the approval of the Director of the Division of Budget and Accounting.

50 Economic Planning, Development and Security
53 Economic Assistance and Security
7550 Division of Family Development

15-7550 Income Maintenance Management.		$15,051,000
Total Appropriation, Division of Family Development		$15,051,000
Personal Services:		
Salaries and Wages	($8,814,000)	
Materials and Supplies	(240,000)	
Services Other Than Personal	(3,539,000)	
Maintenance and Fixed Charges	(156,000)	
Special Purpose:		
Electronic Benefit Transfer/ Distribution System	(358,000)	
Affirmative Action and Equal Employment Opportunity	(8,000)	
Job Opportunities and Basic Skills Training Program	(1,375,000)	
Family Development Program	(550,000)	
Additions, Improvements and Equipment	(11,000)	

Any federal funds received by the Division of Family Development for the direct or indirect costs incurred by the Department of Labor for the operation of the Wage Reporting System shall be deposited in the General Treasury.

Receipts derived from counties and local governments for data processing services and the unexpended balance of such receipts as of June 30, 1993 are appropriated.

The State appropriation shall be based upon a federal financial participation rate of 48%; but if the federal participation rate exceeds this percentage, there will be placed in reserve a portion of the State appropriation equal to the amount of additional federal funds, subject to the approval of the Director of the Division of Budget and Accounting.

The unexpended balance as of June 30, 1993 in Electronic Benefit Transfer/Distribution System account is appropriated.

The unexpended balance as of June 30, 1993 in the General Assistance Centralized Automation account is appropriated.

55 Social Services Programs

7570 Division of Youth and Family Services

16-7570 Initial Response/Case Management		$89,209,000
17-7570 Substitute Care		9,518,000
18-7570 General Social Services		9,751,000
99-7570 Management and Administrative Services		23,841,000
Total State and Federal Appropriation		$132,319,000
Less:		
Federal Funds:		
Initial Response/Case Management	*($31,972,000)*	
Substitute Care	*(5,455,000)*	
General Social Services	*(6,888,000)*	
Management and Administrative Services	*(15,214,000)*	
Total Federal Funds		*($59,529,000)*
Total Appropriation, Division of Youth and Family Services		$72,790,000
Personal Services:		
Salaries and Wages	($106,210,000)	
Employee Benefits	(36,000)	
Materials and Supplies	(2,439,000)	
Services Other Than Personal	(10,482,000)	
Maintenance and Fixed Charges	(11,493,000)	
Special Purpose:		
Affirmative Action and Equal Employment Opportunity	(50,000)	
Additions, Improvements and Equipment	(1,609,000)	
Less:		
Federal Funds	*(59,529,000)*	

7580 Division of the Deaf and Hard of Hearing

23-7580 Services for the Deaf		$348,000
Total Appropriation, Division of the Deaf and Hard of Hearing		$348,000
Personal Services:		
Salaries and Wages	($222,000)	
Materials and Supplies	(44,000)	
Services Other Than Personal	(41,000)	
Maintenance and Fixed Charges	(1,000)	
Special Purpose:		
Services to Deaf Clients	(39,000)	
Additions, Improvements and Equipment	(1,000)	

7593 Juvenile Community Programs

34-7593 Juvenile Rehabilitation		$14,928,000
Total Appropriation, Juvenile Community Programs		$14,928,000
Personal Services:		
Salaries and Wages	($8,761,000)	
Materials and Supplies	(1,106,000)	
Services Other Than Personal	(842,000)	
Maintenance and Fixed Charges	(534,000)	
Special Purpose:		
The Campus - Substance Abuse Program	(762,000)	
Annualized Cost of Alternative Program Expansion	(1,100,000)	
Juvenile Substance Abuse Services - Various	(325,000)	
Office of Youth Services	(450,000)	
Female Secure Care Program	(1,023,000)	
Other Special Purpose	(1,000)	
Additions, Improvements and Equipment	(24,000)	

70 Government Direction, Management and Control

76 Management and Administration

7500 Division of Management and Budget

87-7500 Research, Policy and Planning		$721,000
96-7500 Institutional Security Services		3,414,000
99-7500 Management and Administrative Services		7,678,000
Total Appropriation, Division of Management and Budget		$11,813,000
Personal Services:		
Salaries and Wages	($7,844,000)	
Materials and Supplies	(65,000)	
Services Other Than Personal	(1,852,000)	
Maintenance and Fixed Charges	(395,000)	
Special Purpose:		
Office of Prevention	(150,000)	
Rehabilitation Services Scholarships	(150,000)	
Affirmative Action and Equal Employment Opportunity	(67,000)	
Nursing Scholarship Program	(734,000)	

Transfer to State Police for Fingerprinting/Background Checks of Job Applicants	(500,000)
Additions, Improvements and Equipment	(56,000)

Notwithstanding the provision of any law to the contrary, the Department of Human Services is authorized to identify opportunities for increased recoveries to the General Fund and to the Department. Such funds collected shall be appropriated, subject to the approval of the Director of the Division of Budget and Accounting in accordance with a plan approved by the Director of the Division of Budget and Accounting.

Revenues representing receipts to the General Fund from charges to Residents' trust accounts for maintenance costs are appropriated for use as personal needs allowances for patients/residents who have no other source of funds for these purposes; except that the total amount herein for these allowances shall not exceed $1,375,000 and that any increase in the maximum monthly allowance shall be approved by the Director of the Division of Budget and Accounting.

Additional federal funds available from the Community care waiver program are appropriated for use as a Bridge Fund for community care initiatives, subject to the approval of the Director of the Division of Budget and Accounting of an itemized plan for the expenditure of these amounts, as shall be submitted by the Commissioner of Human Services.

Total Appropriation, Department of Human Services	$587,990,000

Balances on hand as of June 30, 1993 of funds held for the benefit of patients in the several institutions, and such funds as may be received, are appropriated for the use of the patients.

Funds received from the sale of articles made in occupational therapy departments of the several institutions are appropriated for the purchase of additional material and other expenses incidental to such sale or manufacture.

Of the amount appropriated hereinabove for the Department of Human Services, such sums as the Director of the Division of Budget and Accounting shall determine from the schedule at page L-39 in the Governor's Budget Recommendation Document dated February 9, 1993 first shall be charged to the State Lottery Fund.

A pro-rata share of all Low Income Energy Assistance Block Grant funds received by the Department of Human Services is to be allocated immediately upon receipt to the Departments of Community Affairs and Health to enable these departments to implement programs funded by this block grant.

Any change in program eligibility criteria and increases in the types of services or rates paid for services to or on behalf of clients for all programs under the purview of the Department of Human Services, not mandated by federal law, shall first be approved by the Director of the Division of Budget and Accounting.

58 DEPARTMENT OF INSURANCE

50 Economic Planning, Development and Security

52 Economic Regulation

01-3110 Licensing and Enforcement		$4,804,000
02-3120 Actuarial Services		3,049,000
03-3130 Regulation of the Real Estate Industry		1,801,000
04-3110 Public and Regulatory Services		984,000
05-3160 Unsatisfied Claims		1,620,000
99-3150 Management and Administrative Services		1,468,000
Total Appropriation, Economic Regulation		$13,726,000
Personal Services:		
Commissioner	($100,000)	
Real Estate Commissioners	(78,000)	
Salaries and Wages	(11,937,000)	
Materials and Supplies	(210,000)	
Services Other Than Personal	(1,121,000)	
Maintenance and Fixed Charges	(260,000)	
Special Purpose:		
Affirmative Action and Equal Employment Opportunity	(20,000)	

Receipts from the investigation of out-of-State land sales are appropriated for the conduct of such investigations.

There are appropriated from the Real Estate Guaranty Fund such sums as may be necessary to pay claims.

There is appropriated from receipts a sum in accordance with the limitations of section 1 of P.L.1949, c.248 (C.17:24-13) to defray the expenses of the Committee on Valuation of Securities of the National Association of Insurance Commissioners.

The amount hereinabove for Unsatisfied Claims is appropriated out of the Unsatisfied Claim and Judgment Fund and, in addition, there are appropriated out of that fund additional sums as may be necessary for the payment of claims pursuant to section 7 of P.L.1952, c.174 (C.39:6-67), and for such additional costs as may be required to administer the fund pursuant to P.L.1952, c.174 (C.39:6-61 et seq.).

There are appropriated to administer the "New Jersey Insurance Fraud Prevention Act," P.L.1983, c.320 (C.17:33A-1 et seq.) such sums as are prescribed by the act.

Receipts derived from financial condition examinations or actuarial certifications of loss reserves are appropriated for the conduct of such examinations or certifications, subject to the approval of the Director of the Division of Budget and Accounting.

Receipts derived from the examinations associated with issuing certificates of self-insurance for motor vehicles and workers' compensation are appropriated for the conduct of such examinations, subject to the approval of the Director of the Division of Budget and Accounting.

There are appropriated out of the New Jersey Automobile Insurance Guaranty Fund such sums as may be necessary to satisfy the financial obligations of the New Jersey Automobile Full Insurance Underwriting Association, as set forth in the "Fair Automobile Insurance Reform Act of 1990," P.L.1990, c.8 (C.17:33B-1 et al.), subject to the provisions of subsection e. of section 23 of P.L.1990, c.8 (C.17:33B-5).

Notwithstanding the provisions of section 6 of P.L.1983, c.65 (C.17:29A-35), the receipts otherwise remaining prior to October 1, 1991, derived from surcharges levied on drivers in accordance with the New Jersey Automobile Insurance Reform Act of 1982-Merit Rating System Surcharge Program, P.L.1983, c.65 (C.17:29A-33 et al.) are appropriated to the New Jersey Automobile Full Insurance Underwriting Association. Those receipts otherwise remaining on and after October 1, 1991, are appropriated to the New Jersey Automobile Insurance Guaranty Fund.

Receipts in excess of those anticipated are appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

The additional taxes paid on the taxable premiums of insurers, pursuant to P.L.1990, c.8 (C.17:33B-1 et al.), shall be deposited in a dedicated account in the Department of Insurance for the payment of administrative costs related to its statutory duties, subject to the approval of the Director of the Division of Budget and Accounting.

The unexpended balance as of June 30, 1993 in the Public Adjusters' Licensing account, together with receipts derived from the "Public Adjusters' Licensing Act," P.L.1993, c.66 (C.17:22B-1 et seq.), are appropriated for the implementation and administration of the act, subject to the approval of the Director of the Division of Budget and Accounting.

There are appropriated from receipts from assessments as imposed by the New Jersey Individual Health Coverage Board, created pursuant to the "Individual Health Insurance Reform Act," P.L.1992, c.161 (C.17B:27A-2 et seq.), and by the New Jersey Small Employer Health Excess Insurance Board, created pursuant to P.L.1992, c.162 (C.17B:27A-17 et seq.), such sums as may be necessary to carry out the provisions of these acts, subject to the approval of the Director of the Division of Budget and Accounting.

Total Appropriation, Department of Insurance	$13,726,000

62 DEPARTMENT OF LABOR

50 Economic Planning, Development and Security

51 Economic Planning and Development

18-4570 Planning and Research		$1,046,000
99-4565 Management and Administrative Services		1,458,000
Total Appropriation, Economic Planning and Development		$2,504,000
Personal Services:		
Salaries and Wages	($1,522,000)	
Materials and Supplies	(24,000)	
Services Other Than Personal	(831,000)	
Maintenance and Fixed Charges	(36,000)	
Special Purpose:		
New Jersey Occupational Information Coordinating Committee	(25,000)	
Affirmative Action and Equal Employment Opportunity	(62,000)	
Additions, Improvements and Equipment	(4,000)	

Of the amounts hereinabove for the data processing system-related activities in the Management and Administrative Services program classification, an amount not to exceed $613,000 is appropriated from the Unemployment Compensation Auxiliary Fund.

Such sums as may be necessary to collect the contributions pursuant to the "Health Care Reform Act of 1992," P.L.1992, c.160 (C.26B:2H-18.51 et al.), are hereby appropriated from the Health Care Subsidy Fund, subject to the approval of the Director of the Division of Budget and Accounting.

The amount hereinabove for the Planning and Research program classification is appropriated from the Unemployment Compensation Auxiliary Fund.

52 Economic Regulation

11-4550 Promulgation and Licensing of Workplace Standards		$576,000
12-4550 Enforcement of Workplace Standards		6,624,000
Total Appropriation, Economic Regulation		$7,200,000
Personal Services:		
Salaries and Wages	($6,037,000)	
Materials and Supplies	(37,000)	
Services Other Than Personal	(441,000)	
Maintenance and Fixed Charges	(161,000)	
Special Purpose:		
Carnival Amusement Ride Safety Advisory Board	(1,000)	
Safety Commission	(3,000)	
Worker and Community Right To Know Act	(435,000)	
Additions, Improvements and Equipment	(85,000)	

There are appropriated out of the Wage and Hour Trust Fund and the Prevailing Wage Act Trust Fund such sums as may be necessary for payments.

The unexpended balance as of June 30, 1993 in the Worker and Community Right to Know Act account, together with any receipts in excess of the amount anticipated, not to exceed $67,000, are appropriated.

Notwithstanding the provisions of the "Worker and Community Right to Know Act," P.L.1983, c.315 (C.34:5A-1 et seq.), the amount hereinabove for the Worker and Community Right to Know Act account is payable out of the "Worker and Community Right to Know Trust Fund." If receipts to that fund are less than anticipated, the appropriation shall be reduced proportionately.

Receipts in excess of the amount anticipated for the Workplace Standards program are appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

53 Economic Assistance and Security

01-4510 Unemployment Insurance		$870,000
03-4520 State Disability Insurance Plan		21,491,000
04-4520 Private Disability Insurance Plan		3,111,000
05-4525 Workers' Compensation		8,635,000
06-4530 Special Compensation		1,493,000
Total Appropriation, Economic Assistance and Security		$35,600,000
Personal Services:		
Salaries and Wages	($21,183,000)	

Materials and Supplies	(408,000)
Services Other Than Personal	(4,915,000)
Maintenance and Fixed Charges	(399,000)
Special Purpose:	
Wage Reporting	(670,000)
Set-Off of Individual Liabilities Program	(200,000)
Other Special Purpose	(60,000)
Reimbursement To Unemployment Insurance For Joint Tax Functions	(6,600,000)
Additions, Improvements and Equipment	(1,165,000)

The amounts hereinabove for State Disability Insurance Plan and Private Disability Insurance Plan are payable out of the State Disability Benefits Fund and, in addition to the amounts hereinabove, there are appropriated out of the State Disability Benefits Fund such additional sums as may be required to administer the Disability Insurance Program and such sums as may be necessary to pay disability benefits, subject to the approval of the Director of the Division of Budget and Accounting.

The amount hereinabove for Special Compensation shall be payable out of the Special Compensation Fund and, notwithstanding the $12,500 limitation set forth in R.S.34:15-95, in addition to the amounts hereinabove, there are appropriated out of the Special Compensation Fund such additional sums as may be required for costs of administration and beneficiary payments.

The State Treasurer is directed to transfer to the General Fund the sum of $50,000 from the excess in the Special Compensation Fund over the sum of $1,250,000 accumulated as of June 30, 1993, pursuant to R.S.34:15-94.

The amount hereinabove for the Unemployment Insurance program classification is appropriated from the Unemployment Compensation Auxiliary Fund.

Receipts in excess of the amount anticipated for the Workers' Compensation program are appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

Amounts to administer the "Uninsured employers' fund" are appropriated from the "Uninsured employers' fund" subject to the approval of the Director of the Division of Budget and Accounting.

54 Manpower and Employment Services

07-4535 Vocational Rehabilitation Services.	$2,831,000
10-4545 Employment Development Services	350,000
16-4555 Public Sector Labor Relations	2,271,000
16-4556 Public Sector Labor Relations	68,000

17-4560 Private Sector Labor Relations		619,000
Total Appropriation, Manpower and Employment Services		$6,139,000
Personal Services:		
Salaries and Wages	($5,165,000)	
Materials and Supplies	(48,000)	
Services Other Than Personal	(531,000)	
Maintenance and Fixed Charges	(33,000)	
Special Purpose:		
State Employment and Training Commission	(350,000)	
Additions, Improvements and Equipment	(12,000)	

The sum hereinabove for the Vocational Rehabilitation Services program classification is available for the payment of obligations applicable to prior fiscal years.

The amount hereinabove for the Vocational Rehabilitation Services program classification is appropriated from the Unemployment Compensation Auxiliary Fund.

Notwithstanding the provisions of the "New Jersey Employer-Employee Relations Act," P.L.1941, c.100, as amended by P.L.1968, c.303 (C.34:13A-1 et seq.), the cost of fact-finding shall be borne equally by the public employer and the exclusive employee representative.

Pursuant to the provisions of the "1992 New Jersey Employment and Workforce Development Act," P.L.1992, c.43 (C.34:15D-1 et seq.), funds shall be made available to the Department of Labor and the State Employment and Training Commission, subject to the approval of the Director of the Division of Budget and Accounting.

The amount hereinabove for the Employment Services program classification is appropriated from the Unemployment Compensation Auxiliary Fund.

The amount hereinabove for the Private Sector Labor Relations program classification is appropriated from the Unemployment Compensation Auxiliary Fund.

Total Appropriation, Department of Labor	$51,443,000

DEPARTMENT OF LAW AND PUBLIC SAFETY

10 Public Safety and Criminal Justice

11 Vehicular Safety

01-1110 Revenue and Information Processing Systems	$19,420,000
02-1110 Licensing, Registration and Inspection Services	53,699,000
03-1110 Driver Control and Regulatory Affairs	10,918,000
04-1140 Security Responsibility	6,273,000

89-1110 Revenue Collection Services		8,567,000
99-1110 Management and Administrative Services		4,258,000
99-1120 Management and Administrative Services		3,105,000
Total Appropriation, Vehicular Safety		$106,240,000
Personal Services:		
Salaries and Wages	($56,605,000)	
Materials and Supplies	(5,371,000)	
Services Other Than Personal	(20,155,000)	
Maintenance and Fixed Charges	(1,308,000)	
Special Purpose:		
Service Contract-Emission Analyzers	(310,000)	
DMV Operations - Extended Hours	(3,595,000)	
Agency Operations	(18,172,000)	
Federal Highway Safety Program-- State Match	(334,000)	
Parking Offenses Adjudication Act	(150,000)	
Affirmative Action and Equal Employment Opportunity	(76,000)	
Additions, Improvements and Equipment	(164,000)	

Receipts derived pursuant to section 2 of P.L.1989, c.202 (C.39:3-33.9) are appropriated for the preparation and issuance of reflectorized license plates, subject to the approval of the Director of the Division of Budget and Accounting.

The unexpended balance as of June 30, 1993, in the Auto Body Licensing and Enforcement program account, together with any receipts in excess of the amount anticipated, is appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

The amount appropriated hereinabove for the Auto Body Licensing and Enforcement program is payable out of receipts from the Auto Body Licensing and Enforcement program pursuant to section 6 of P.L.1983, c.360 (C.39:13-6). If receipts are less than anticipated, the appropriation shall be reduced proportionately.

The unexpended balance as of June 30, 1993, in the Return of Counterpart Fees account is appropriated for the payment of claims directed against the State, subject to the approval of the Director of the Division of Budget and Accounting.

The unexpended balance as of June 30, 1993, in the Commercial Driver License Program, together with receipts derived from the "New Jersey Commercial Driver License Act," P.L.1990, c.103 (C.39:3-10.9 et al.), is appropriated for the implementation and administration of the act, subject to the approval of the Director of the Division of Budget and Accounting.

The sum hereinabove for Agency Operations shall be available for maintaining services at public and privately operated motor vehicle agencies; provided however, that the expenditures thereof shall be subject to the approval of the Director of the Division of Budget and Accounting.

Receipts derived pursuant to the New Jersey Medical Service Helicopter Response Act under section 1 of P.L.1992, c.87 (C.39:3-8.2) are appropriated to the Division of State Police and the Department of Health to defray the operating costs of the program as authorized under P.L.1986, c.106 (C.26:2K-35 et seq.). The unexpended balance as of June 30, 1993, is appropriated to the special capital maintenance reserve account for capital replacement and major maintenance of helicopter equipment, subject to the approval of the Director of the Division of Budget and Accounting.

The unexpended balance in the Federal Highway Safety Program--State Match account, including the accounts of the several departments, as of June 30, 1993, is appropriated for such highway safety projects.

The amount appropriated hereinabove for the Parking Offenses Adjudication Act program is payable from receipts derived from parking offense adjudication collected pursuant to P.L.1985, c.14 (C.39:4-139.2 et seq.). If receipts are less than anticipated, the appropriation shall be reduced proportionately.

Receipts in excess of the amount anticipated for the Parking Offenses Adjudication Act program, derived pursuant to P.L.1985, c.14 (C.39:4-139.2 et seq.), are appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

In addition to the amounts hereinabove, there is appropriated in the Identical Reflectorized License Plate account receipts not to exceed $500,000 from the sale of reflectorized license plates with marks identical to the motorists existing license plates, for overtime expenses of personnel at motor vehicle agencies and inspection stations, subject to the approval of the Director of the Division of Budget and Accounting.

The amount hereinabove for the Security Responsibility program classification shall be payable from receipts received from mutual associations and stock companies writing motor vehicle liability insurance within the State under section 2 of P.L.1952, c.176 (C.39:6-59), and any receipts in excess of the amount hereinabove are appropriated to defray additional costs of administration of the security responsibility law, subject to the approval of the Director of the Division of Budget and Accounting.

Fees collected for the processing of credit card transactions are appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of section 6 of P.L.1983, c.65 (C.17:29A-35), 20% of the receipts derived from surcharges levied on drivers in accordance with the New Jersey Automobile Insurance Reform Act of 1982 -- Merit Rating System Surcharge Program, P.L.1983, c.65 (C.17:29A-33 et al.), shall be retained in the General Fund.

12 Law Enforcement

06-1200 Patrol Activities and Crime Control		$94,159,000
07-1200 Police Services and Public Order ...		20,662,000
08-1200 Emergency Services		3,561,000
09-1020 Criminal Justice		17,919,000
10-1030 Narcotics, Organized Crime and Racketeering		7,823,000
11-1050 State Medical Examiner		2,082,000
23-1200 State Capitol Complex Security		4,850,000
24-1200 Marine Police Operations		8,466,000
99-1200 Management and Administrative Services		15,048,000
Total Appropriation, Law Enforcement ...		$174,570,000
Personal Services:		
Salaries and Wages	($126,536,000)	
Positions Established In Lieu of Appropriated Revenues	(66,000)	
Positions Converted	(19,000)	
Cash In Lieu of Maintenance	(14,281,000)	
Materials and Supplies	(6,029,000)	
Services Other Than Personal	(5,802,000)	
Maintenance and Fixed Charges	(4,966,000)	
Special Purpose:		
Salaries and Maintenance for Graduates of 113th Class	(2,411,000)	
State Police Recruit Training- 114th class	(2,792,000)	
Emergency Telecommunications Services--Commission Expenses	(225,000)	
Drunk Driver Fund Program	(962,000)	
Noncriminal Record Checks	(1,014,000)	
Nuclear Emergency Response Program ...	(1,988,000)	
Expenses of State Grand Jury	(356,000)	
Medicaid Fraud Investigation-- State Match	(375,000)	
Environmental Offense Prosecution Program	(350,000)	
Boat Certification Program	(156,000)	

Affirmative Action and Equal Employment Opportunity	(193,000)
Additions, Improvements and Equipment.....	(6,049,000)

Such additional amounts as may be required to carry out the provisions of the New Jersey Antitrust Act are appropriated from the General Fund; provided however, that any expenditures therefrom shall be subject to the approval of the Director of the Division of Budget and Accounting.

The unexpended balance as of June 30, 1993, in the revolving fund established under the "New Jersey Antitrust Act," P.L.1970, c.73 (C.56:9-1 et seq.) is appropriated for the administration of the act and any expenditures therefrom shall be subject to the approval of the Director of the Division of Budget and Accounting.

The unexpended balance as of June 30, 1993, in the Victim Witness Advocacy Fund account, together with receipts derived pursuant to P.L.1985, c.407, is appropriated.

There are appropriated such sums as are collected pursuant to section 19 of P.L.1981, c.279 (C.13:1E-67); section 3 of P.L.1988, c.61 (C.58:10A-49); section 9 of P.L.1970, c.39 (C.13:1E-9); section 2 of P.L.1987, c.158 (C.13:1E-9.2); sections 20 and 24 of P.L.1989, c.34 (C.13:1E-48.20 and 13:1E-48.24); and section 15 of P.L.1987, c.333 (C.13:1E-191) as are required to pay awards authorized by these laws and for public awareness programs, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of any other law, funds obtained through seizure, forfeiture, or abandonment pursuant to any federal or State statutory or common law and the proceeds of the sale of any such confiscated property or goods are appropriated as required for matching additional federal funds as designated by the Attorney General; provided however, that the expenditures thereof shall be subject to the approval of the Director of the Division of Budget and Accounting.

The unexpended balance as of June 30, 1993, in the Action Grants-State Match account is appropriated for the same purpose.

The unexpended balance as of June 30, 1993, in the JJDP-State Match account is appropriated for the same purpose.

Receipts in excess of the amount anticipated from license fees and/or audits conducted to ensure compliance with the "Private Detective Act of 1939," P.L.1939, c.369 (C.45:19-8 et seq.), are appropriated to defray the cost of this activity.

Notwithstanding any other provision of this act, receipts derived from the sale of helicopters as well as the unexpended balance of such sum as of June 30, 1993, are appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of section 14 of P.L.1992, c.188 (C.33:1-4.1), in addition to the amounts hereinabove, all fees and penalties collected by the Director of the Division of Alcoholic Beverage Control in excess of $2,000,000 are appropriated for the purpose of offsetting additional operational costs of the Alcoholic Beverage Control Enforcement Bureau in the Division of State Police and the Division of Alcoholic Beverage Control, subject to the approval of the Director of the Division of Budget and Accounting.

The unexpended balance as of June 30, 1993, in the Drunk Driver Fund Program account, together with any receipts in excess of the amount anticipated, is appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

The amount hereinabove for the Drunk Driver Fund Program is payable out of the dedicated fund designated for this purpose and any amount remaining therein. If receipts to the fund are less than anticipated, the appropriation shall be reduced proportionately.

Receipts derived pursuant to the New Jersey Medical Service Helicopter Response Act under section 1 of P.L.1992, c.87 (C.39:3-8.2) are appropriated to the Division of State Police and the Department of Health to defray the operating costs of the program as authorized under P.L.1986, c.106 (C.26:2K-35 et seq.). The unexpended balance as of June 30, 1993, is appropriated to the special capital maintenance reserve account for capital replacement and major maintenance of helicopter equipment and any expenditures therefrom shall be subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of section 3 of P.L.1983, c.392 (C.13:1E-128), receipts derived from fees and penalties pursuant to the solid and hazardous waste industry disclosure law, P.L.1983, c.392 (C.13:1E-126 et seq.), are appropriated for the cost of the administration of that act, and such appropriation shall be allocated to the Department of Law and Public Safety and the Department of Environmental Protection and Energy, subject to the approval of the Director of the Division of Budget and Accounting.

The amount hereinabove for the Noncriminal Record Checks is payable out of the dedicated fund designated for this purpose. If receipts to the fund are less than anticipated, the appropriation shall be reduced proportionately.

The unexpended balance as of June 30, 1993, in the Noncriminal Record Checks account, together with any receipts in excess of the amount anticipated, is appropriated to defray the costs of this activity, subject to the approval of the Director of the Division of Budget and Accounting.

The amount hereinabove for the Nuclear Emergency Response Program account is payable from receipts received pursuant to the assessment of electrical utility companies under P.L.1981, c.302 (C.26:2D-37 et seq.). The unexpended balance as of June 30, 1993, in the Nuclear Emergency Response Program account is appropriated.

Such sums as may be necessary are appropriated from the Special Fund for Civil Defense Volunteers established pursuant to section 15 of P.L.1952, c.12 (C.App. A:9-57.15).

The unexpended balance as of June 30, 1993, in the Boat Certification Program account, together with any receipts in excess of the amount anticipated, is appropriated.

The amount hereinabove for the Boat Certification Program is payable out of the dedicated fund designated for this purpose and any amount remaining therein. If receipts to the fund are less than anticipated, the appropriation shall be reduced proportionately.

In addition to the amounts hereinabove to the Divisions of State Police and Criminal Justice and the Office of the State Medical Examiner, there are appropriated to the respective State departments and agencies such sums as may be received or receivable from any instrumentality, municipality, or public authority for direct and indirect costs of all services furnished thereto except as to such costs for which funds have been included in appropriations otherwise made to the respective State departments and agencies as the Director of the Division of Budget and Accounting shall determine; provided however, that payments from such instrumentalities, municipalities, or authorities for employer contributions to the State Police and Public Employees' Retirement Systems shall not be appropriated and shall be paid into the General Fund.

All registration fees, tuition fees, training fees, all receipts collected through division mess hall operations and all other fees received for reimbursement for attendance at courses conducted by Division of State Police personnel are appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

13 Special Law Enforcement Activities

17-1420 Election Law Enforcement		$1,778,000
20-1450 Review and Enforcement of Ethical Standards		316,000
21-1400 Regulation of Alcoholic Beverages		1,658,000
22-1410 Regulation of Racing Activities		3,099,000
27-1480 State Athletic Control Board		434,000
Total Appropriation, Special Law Enforcement Activities		$7,285,000
Personal Services:		
Salaries and Wages	($5,595,000)	
Materials and Supplies.................................	(173,000)	
Services Other Than Personal.......................	(631,000)	
Maintenance and Fixed Charges..................	(176,000)	
Special Purpose:		
Gubernatorial Public Finance Program	(565,000)	
Per Diem Payment to Members of the Election Law Enforcement Commission	(15,000)	
Additions, Improvements and Equipment.....	(130,000)	

Notwithstanding the provisions of section 14 of P.L.1992, c.188 (C.33:1-4.1), in addition to the amounts hereinabove, all fees and penalties collected by the Director of the Division of Alcoholic Beverage Control in excess of $2,000,000 are appropriated for the purpose of offsetting additional operational costs of the Alcoholic Beverage Control Enforcement Bureau in the Division of State Police and the Division of Alcoholic Beverage Control, subject to the approval of the Director of the Division of Budget and Accounting.

Registration fees, tuition fees, training fees, and other fees received for reimbursement for attendance at courses administered or conducted by the Division of Alcoholic Beverage Control are appropriated for program costs.

In addition to the amount appropriated hereinabove for Regulation of Racing Activities, receipts in excess of the amount anticipated, attributable to changes in fee structure or fee increases, are appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

All fees, fines, and penalties collected pursuant to P.L.1973, c.83 (C.19:44A-1 et al.) and section 3 of P.L.1981, c.150

(C.52:13C-22.2) are appropriated for the purpose of offsetting additional operational costs of the Election Law Enforcement Commission, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provision hereinabove, amounts received pursuant to P.L.1971, c.183 (C.52:13C-18 et seq.) are appropriated for the purpose of offsetting additional operational costs of the Election Law Enforcement Commission, subject to the approval of the Director of the Division of Budget and Accounting.

Receipts in excess of the amount anticipated are appropriated for additional State Athletic Control Board activities, subject to the approval of the Director of the Division of Budget and Accounting.

19 Central Planning, Direction and Management

88-1000 Central Library Services................		$562,000
99-1000 Management and Administrative Services		6,151,000
Total Appropriation, Central Planning, Direction and Management.		$6,713,000
Personal Services:		
Salaries and Wages................................	($5,248,000)	
Materials and Supplies	(377,000)	
Services Other Than Personal.......................	(432,000)	
Maintenance and Fixed Charges..................	(111,000)	
Special Purpose:		
Affirmative Action and Equal Employment Opportunity...................	(198,000)	
Additions, Improvements and Equipment	(347,000)	

Notwithstanding the provisions of any other law, any funds obtained through seizure, forfeiture, or abandonment pursuant to any federal or State statutory or common law and the proceeds of the sale of any such confiscated property or goods are appropriated for law enforcement purposes designated by the Attorney General; provided however, that the expenditures thereof shall be subject to the approval of the Director of the Division of Budget and Accounting.

The Attorney General shall provide the Director of the Division of Budget and Accounting, the Senate Budget and Appropriations Committee and the Assembly Appropriations Committee, or the successor committees thereto, with written reports on February 1, 1994, and August 1, 1994, of the use and disposition by State law enforcement agencies of any interest in property or money seized, or proceeds resulting from seized or forfeited property, and any interest or income earned thereon, arising from any State law enforcement agency involvement in a surveillance, investigation, arrest or prosecution involving offenses under N.J.S.2C:35-1 et seq. and N.J.S.2C:36-1 et seq. leading to such seizure or forfeiture. The reports shall specify for the preceding period of the fiscal year the type, approximate value, and disposition of the property seized and the amount of any proceeds received or expended, whether obtained directly or as contributive share, including but not limited to the use thereof for asset maintenance, forfeiture prosecution costs, costs of extinguishing any perfected security interest in seized property and the contributive share of property and proceeds of other participating local law enforcement agencies.

Penalties, fines, and other fees collected pursuant to N.J.S.2C:35-20 and deposited in the State Forensic Laboratory Fund, together with the unexpended balance as of June 30, 1993, are appropriated to defray additional laboratory related administration and operational expenses of the "Comprehensive Drug Reform Act of 1987," P.L.1987, c.106, subject to the approval of the Director of the Division of Budget and Accounting.

There are appropriated out of the Veterans' Guaranteed Loan Fund created under P.L.1944, c.126 (C.38:23B-1 et seq.) such sums as may be necessary to pay for the administration thereof.

70 Government Direction, Management and Control

74 General Government Services

12-1010 Legal Services		$43,755,000
Total All Operations................................		$43,755,000
Less:		
Reimbursements From Other Sources......	*($26,688,000)*	
Total Deductions................................		*($26,688,000)*
Total Appropriation, General Government Services		$17,067,000
Personal Services:		
Salaries and Wages	($15,596,000)	
Materials and Supplies................................	(153,000)	
Services Other Than Personal......................	(922,000)	
Maintenance and Fixed Charges..................	(346,000)	
Additions, Improvements and Equipment.....	(50,000)	
Less:		
Reimbursements From Other Sources Expense	*(26,688,000)*	

In addition to the amount hereinabove, there are appropriated such sums as may be received or receivable from any instrumentality or public authority for direct or indirect costs of legal services furnished thereto, subject to the approval of the Director of the Division of Budget and Accounting.

The Director of the Division of Budget and Accounting is empowered to credit or transfer to the General Fund from any other department, branch or non-State fund source, out of funds appropriated thereto, such funds as may be required to cover the costs of legal services attributable to that other department, branch or non-State fund source as the Director of the Division of Budget and Accounting shall determine. Receipts in any non-State fund are appropriated for the purpose of such transfer.

Notwithstanding the provisions of section 3 of P.L.1983, c.392 (C.13:1E-128), receipts derived from fees pursuant to the solid and hazardous waste industry disclosure law, P.L.1983, c.392 (C.13:1E-126 et seq.), are appropriated for the cost of the administration of that act, and such appropriation shall be allocated to the Department of Law and Public Safety and the Department of Environmental Protection and Energy, subject to the approval of the Director of the Division of Budget and Accounting.

80 Special Government Services

82 Protection of Citizens' Rights

14-1310 Consumer Affairs	$6,091,000
15-1320 Board of Accountancy	868,000
15-1321 Board of Architects and Certified Landscape Architects	849,000
15-1322 Board of Dentistry	826,000
15-1323 Board of Mortuary Science	265,000
15-1324 Board of Professional Engineers and Land Surveyors	982,000
15-1325 Board of Medical Examiners	4,393,000
15-1326 Board of Nursing	2,134,000
15-1327 Board of Optometrists	229,000
15-1328 Board of Pharmacy	701,000
15-1329 Board of Veterinary Medical Examiners	173,000
15-1330 Board of Shorthand Reporting	62,000
15-1331 Board of Examiners of Ophthalmic Dispensers and Ophthalmic Technicians	204,000
15-1332 Board of Cosmetology and Hairstyling	1,346,000
15-1333 Board of Professional Planners.......	242,000
15-1334 Board of Examiners of Electrical Contractors	432,000
15-1335 Board of Psychological Examiners.	256,000
15-1336 Board of Examiners of Master Plumbers	323,000
15-1337 Board of Marriage Counselor Examiners	119,000
15-1338 Board of Chiropractic Examiners ..	305,000
15-1339 Board of Public Movers and Warehousemen	238,000
15-1340 Board of Physical Therapy	270,000
15-1341 Audiology and Speech-Language Pathology Advisory Committee	128,000
15-1342 Board of Real Estate Appraisers.....	628,000
15-1343 Board of Respiratory Care	320,000

15-1344 Board of Social Work Examiners ...		639,000
15-1345 Board of Orthotics and Prosthetics		50,000
16-1350 Protection of Civil Rights		3,219,000
19-1440 Violent Crimes Compensation........		5,164,000
Total Appropriation, Protection of Citizens' Rights		$31,456,000
Personal Services:		
Salaries and Wages	($12,946,000)	
Positions Established In Lieu of Appropriated Revenues	(448,000)	
Materials and Supplies................................	(608,000)	
Services Other Than Personal......................	(10,489,000)	
Maintenance and Fixed Charges..................	(913,000)	
Special Purpose:		
Securities Enforcement Fund	(2,420,000)	
Claims--Victims of Violent Crimes	(3,630,000)	
Additions, Improvements and Equipment.....	(2,000)	

Receipts derived from the assessment and recovery of costs, fines, and penalties pursuant to the consumer fraud act, P.L.1960, c.39 (C.56:8-1 et seq.), are appropriated for additional Consumer Affairs operational costs, subject to the approval of the Director of the Division of Budget and Accounting.

All fees, penalties, and costs collected pursuant to P.L.1988, c.123 (C.56:12-29 et seq.) are appropriated for the purpose of offsetting costs associated with the handling and resolution of consumer automotive complaints.

In addition to the amount appropriated hereinabove for Consumer Affairs, receipts in excess of the amount anticipated, attributable to changes in fee structure or fee increases, are appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

Fees and cost recoveries collected pursuant to P.L.1989, c.331 (C.34:8-43 et al.) are appropriated in an amount not to exceed additional expenses associated with mandated duties, subject to the approval of the Director of the Division of Budget and Accounting.

The amount hereinabove for the Securities Enforcement Fund account is payable from receipts from fees and penalties deposited in the Securities Enforcement Fund pursuant to section 15 of P.L.1985, c.405 (C.49:3-66.1). If receipts are less than anticipated, the appropriation shall be reduced proportionately.

Receipts in excess of the amount anticipated are appropriated to the Securities Enforcement Fund program account to offset the cost of operating this program, subject to the approval of the Director of the Division of Budget and Accounting.

Receipts in excess of the amount anticipated are appropriated to the Controlled Dangerous Substance Registration program for the purpose of offsetting the costs of the administration and operation of the program, subject to the approval of the Director of the Division of Budget and Accounting. If receipts are less than anticipated, the appropriation shall be reduced proportionately.

The amount hereinabove for each of the several State professional boards, advisory boards, and committees shall be provided from receipts of those entities, and any receipts in excess of the amounts specifically provided to each of the entities are appropriated. The unexpended balances as of June 30, 1993 are appropriated subject to the approval of the Director of the Division of Budget and Accounting.

Receipts derived from the sale of films, pamphlets, and other educational materials developed or produced by the Division on Civil Rights are appropriated to defray production costs.

Receipts derived from the provision of copies of transcripts and other materials related to officially docketed cases are appropriated.

Notwithstanding the provisions of P.L.1945, c.169 (C.10:5-14.1a), any receipts derived from the assessment of fines and penalties pursuant to P.L.1945, c.169 (C.10:5-1 et seq.), not to exceed $20,000, are appropriated to the Division on Civil Rights for additional operational costs, subject to the approval of the Director of the Division of Budget and Accounting.

The sum hereinabove for Claims--Victims of Violent Crimes is available for payment of awards applicable to claims filed in prior fiscal years.

Receipts derived from assessments under section 2 of P.L.1979, c.396 (C.2C:43-3.1) in excess of the amount anticipated and the unexpended balance as of June 30, 1993, are appropriated for payment of claims of victims of violent crimes pursuant to P.L.1971, c.317 (C.52:4B-1 et seq.) and additional board operational costs, subject to the approval of the Director of the Division of Budget and Accounting.

The unexpended balances as of June 30, 1993, in the Office of Victim-Witness Assistance and in the Victim and Witness Advocacy Fund pursuant to section 2 of P.L.1979, c.396 (C.2C:43-3.1) are appropriated.

Receipts derived from licensing fees pursuant to section 9 of P.L.1990, c.32 (C.2C:58-5) and registration fees pursuant to section 11 of P.L.1990, c.32 (C.2C:58-12) and the unexpended balance as of June 30, 1993, are appropriated for payment of claims for victims of violent crimes pursuant to P.L.1971, c.317 (C.52:4B-1 et seq.) and additional board operational costs, subject to the approval of the Director of the Division of Budget and Accounting.

Receipts derived from penalties pursuant to section 2 of P.L.1979, c.396 (C.2C:43-3.1) and the unexpended balance as of June 30, 1993, in the Criminal Disposition and Revenue Collection Fund program account are appropriated for the purpose of offsetting the costs of the design, development, implementation and operation of the Criminal Disposition and Revenue Collection program, subject to the approval of the Director of the Division of Budget and Accounting.

Total Appropriation, Department of Law and Public Safety	$343,331,000

67 DEPARTMENT OF MILITARY AND VETERANS' AFFAIRS

10 Public Safety and Criminal Justice

14 Military Services

30-3620 Physical Plant and Support Services		$5,535,000
40-3620 New Jersey National Guard Programs Support Services		392,000
60-3600 Joint Training Center Management and Operations		573,000
99-3600 Management and Administration		4,172,000
Total Appropriation, Military Services		$10,672,000
Personal Services:		
Salaries and Wages	($6,542,000)	
Materials and Supplies	(1,436,000)	
Services Other Than Personal	(574,000)	
Maintenance and Fixed Charges	(592,000)	
Special Purpose:		
Joint Federal-State Operations and Maintenance Contracts (State Share)	(830,000)	
New Jersey Military Academy	(35,000)	
Affirmative Action and Equal Employment Opportunity	(5,000)	
Microfilm Service Charges	(9,000)	
Additions, Improvements and Equipment	(649,000)	

Receipts derived from the rental and use of armories and the unexpended balance of such receipts as of June 30, 1993 are appropriated for the operation and maintenance thereof, subject to the approval of the Director of the Division of Budget and Accounting.

The unexpended balance as of June 30, 1993 in the Joint Federal-State Operations and Maintenance Contracts (State share) account is appropriated for the same purpose.

The unexpended balance as of June 30, 1993 in the National Guard State Active Duty account is appropriated for the same purpose.

80 Special Government Services
83 Services to Veterans
3610 Veterans' Program Support

50-3610 Veterans' Outreach and Assistance.		$2,270,000
70-3660 Burial Services		1,275,000
Total Appropriation, Veterans' Program Support		$3,545,000
Personal Services:		
Salaries and Wages	($2,184,000)	
Materials and Supplies	(378,000)	
Services Other Than Personal.......................	(205,000)	
Maintenance and Fixed Charges..................	(126,000)	
Special Purpose:		
Agent Orange Commission	(80,000)	
Veterans' Outreach Center-Mercer...........	(70,000)	
Governor's Veterans' Service Council......	(10,000)	
Veterans' Service Office Enhancements...	(157,000)	
Transitional Housing................................	(50,000)	
Burial Services Enhancements.................	(134,000)	
Additions, Improvements and Equipment	(151,000)	

The unexpended balance as of June 30, 1993 in the Temporary Advisory Commission on Women Veterans of New Jersey account is appropriated for the expenses of the Commission.

The unexpended balance as of June 30, 1993 in the Agent Orange Commission account is appropriated for the expenses of the Commission.

The unexpended balance as of June 30, 1993 in the Paupers' Re-interments account is appropriated for the expenses of paupers' re-interments.

The unexpended balance as of June 30, 1993 in the Transitional Housing account is appropriated for the same purpose.

Funds received for plot interment allowances received from the federal Department of Veterans' Affairs are appropriated for perpetual care and maintenance of burial plots and grounds at the Brigadier General Doyle Veterans' Memorial Cemetery.

Funds received for Veterans' Transitional Housing from the federal Department of Veterans' Affairs and the individual residents are appropriated for the same purpose.

3630 Menlo Park Veterans Memorial Home

20-3630 Domiciliary and Treatment Services		$10,281,000
30-3630 Physical Plant and Support Services		2,136,000
99-3630 Management and Administration ...		1,344,000
Total Appropriation, Menlo Park Veterans Memorial Home		$13,761,000
Personal Services:		
Salaries and Wages	($11,069,000)	
Materials and Supplies	(1,294,000)	
Services Other Than Personal	(992,000)	
Maintenance and Fixed Charges	(133,000)	
Special Purpose:		
Equipment for Alzheimer's Facility Zone	(150,000)	
Additions, Improvements and Equipment	(123,000)	

3640 Paramus Veterans Memorial Home

20-3640 Domiciliary and Treatment Services		$10,454,000
30-3640 Physical Plant and Support Services		1,557,000
99-3640 Management and Administration ...		1,438,000
Total Appropriation, Paramus Veterans Memorial Home		$13,449,000
Personal Services:		
Salaries and Wages	($9,668,000)	
Positions Established From Lump Sum Appropriation	(1,354,000)	
Materials and Supplies	(1,377,000)	
Services Other Than Personal	(576,000)	
Maintenance and Fixed Charges	(200,000)	
Special Purpose:		
Equipment for Alzheimer's Facility Zone	(150,000)	
Additions, Improvements and Equipment	(124,000)	

3650 Vineland Veterans Memorial Home

20-3650 Domiciliary and Treatment Services		$9,787,000
30-3650 Physical Plant and Support Services		2,375,000
99-3650 Management and Administration ...		1,339,000
Total Appropriation, Vineland Veterans Memorial Home		$13,501,000
Personal Services:		
Salaries and Wages	($10,801,000)	
Materials and Supplies	(1,513,000)	
Services Other Than Personal	(748,000)	
Maintenance and Fixed Charges	(177,000)	
Special Purpose:		
Equipment for Alzheimer's Facility Zone	(150,000)	
Additions, Improvements and Equipment	(112,000)	
Total Appropriation, Department of Military and Veterans' Affairs		$54,928,000

Balances on hand as of June 30, 1993 of funds held for the benefit of residents in the several veterans' homes, and such funds as may be received, are appropriated for the use of such residents.

Revenues representing receipts to the General Fund from charges to residents' trust accounts for maintenance costs are appropriated for use as personal needs allowances for patients/residents who have no other source of funds for such purposes; provided however, that the allowance shall not exceed $35 per month for any eligible resident of an institution and provided further, that the total amount herein for such allowances shall not exceed $100,000, and that any increase in the maximum monthly allowance shall be approved by the Director of the Division of Budget and Accounting.

Funds received from the sale of articles made in occupational therapy departments of the several veterans' homes are appropriated for the purchase of additional material and other expenses incidental to such sale or manufacture.

Of the amount appropriated hereinabove for the Department of Military and Veteran's Affairs, such sums as the Director of the Division of Budget and Accounting shall determine from the schedule at page L-39 in the Governor's Budget Recommendation Document dated February 9, 1993 first shall be charged to the State Lottery Fund.

68 DEPARTMENT OF PERSONNEL

70 Government Direction, Management and Control

74 General Government Services

01-2710 Personnel Policy Development and General Administration		$2,252,000
02-2720 Recruitment and Selection		6,924,000
03-2730 Personnel Management Systems		6,179,000
04-2740 Merit Services		1,474,000
05-2750 Equal Employment Opportunity and Affirmative Action		1,170,000
06-2760 Local Government Classification and Placement		2,410,000
07-2770 Human Resource Development Institute		10,579,000
Total Appropriation, General Government Services		$30,988,000
Personal Services:		
Merit System Board	($52,000)	
Salaries and Wages	(24,598,000)	
Materials and Supplies	(800,000)	
Services Other Than Personal	(3,588,000)	
Maintenance and Fixed Charges	(279,000)	
Special Purpose:		
Microfilm Service Charges	(29,000)	
Test Validation/Police Testing	(434,000)	
Affirmative Action and Equal Employment Opportunity	(82,000)	
Suggestion Award Program	(100,000)	
American with Disabilities Act	(100,000)	
Additions, Improvements and Equipment	(926,000)	

Receipts derived from fees charged to applicants for open competitive or promotional examinations are appropriated.

Receipts derived from training services are appropriated.

Receipts derived from employee advisory services are appropriated.

Amounts sufficient to develop, maintain and operate the Time and Leave Reporting System (TALRS) are transferred from the Department of the Treasury to the Department of Personnel subject to the approval of the Director of the Division of Budget and Accounting.

Total Appropriation, Department of Personnel	$30,988,000

70 DEPARTMENT OF THE PUBLIC ADVOCATE

70 Government Direction, Management and Control

76 Management and Administration

99-8470 Management and Administrative Services		$1,020,000
99-8480 Management and Administrative Services		527,000
Total Appropriation, Management and Administration		$1,547,000
Personal Services:		
Salaries and Wages	($1,242,000)	
Materials and Supplies	(52,000)	
Services Other Than Personal	(120,000)	
Maintenance and Fixed Charges	(23,000)	
Special Purpose:		
Affirmative Action and Equal Employment Opportunity	(64,000)	
Federal Energy Regulatory Commission Hearings	(46,000)	

80 Special Government Services

82 Protection of Citizens' Rights

01-8310 Mental Health Advocacy		$1,819,000
03-8330 Dispute Settlement		164,000
04-8410 Trial Services to Indigents and Special Programs		39,648,000
05-8420 Appellate Services to Indigents		5,508,000
06-8430 Public Defender Management		737,000
08-8350 Advocacy for the Developmentally Disabled		483,000
Total Appropriation, Protection of Citizens' Rights		$48,359,000
Personal Services:		
Salaries and Wages	($32,236,000)	
Materials and Supplies	(559,000)	
Services Other Than Personal	(10,156,000)	
Maintenance and Fixed Charges	(244,000)	
Special Purpose:		
Public Defender Conflict Unit	(2,587,000)	
State assumption of Public Defender federal grant	(2,062,000)	
Additions, Improvements and Equipment	(515,000)	

Receipts from clients and the unexpended balance as of June 30, 1993 of such receipts are appropriated.

Sums provided for legal and investigative services are available for payment of obligations applicable to prior fiscal years.

The funds appropriated to the Department of the Public Advocate are available for expenses associated with the defense of pool attorneys hired by the Public Advocate for the representation of indigent clients.

In addition to the amount hereinabove for the operation of the Public Defender's office there are appropriated additional sums as may be required for Trial and Appellate services to indigents, the expenditure of which shall be subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding any provision of section 2 of P.L.1974, c.33 (C.2A:158A-5.1), or any other provision of law, or any other provision of this appropriations act, no State funds are appropriated to fund the expenses associated with the legal representation of persons before the State Parole Board or the Parole Bureau.

Receipts of the Rate Counsel are appropriated for the Rate Counsel to defray the costs of this activity.

Total Appropriation, Department of the Public Advocate	$49,906,000

74 DEPARTMENT OF STATE

30 Educational, Cultural and Intellectual Development

37 Cultural and Intellectual Development Services

05-2530 Support of the Arts		$499,000
06-2535 Museum Services		1,824,000
07-2540 Development of Historical Resources		500,000
Total Appropriation, Cultural and Intellectual Development Services		$2,823,000
Personal Services:		
Salaries and Wages	($2,200,000)	
Materials and Supplies	(143,000)	
Services Other Than Personal	(205,000)	
Maintenance and Fixed Charges	(61,000)	
Special Purpose:		
Council Member Expenses	(3,000)	
Walter Edge Foran New Jersey Studies Institute	(150,000)	
Additions, Improvements and Equipment	(61,000)	

The unexpended balance as of June 30, 1993, in the Walter Edge Foran New Jersey Studies Institute account is appropriated for the same purpose.

Funds derived from the sale of collections and museum materials, which have been approved by the Secretary of State, are appropriated to and shall be used for the benefit of the State Museum.

70 Government Direction, Management and Control

74 General Government Services

2505 Office of the Secretary of State

01-2505 Administration		$1,527,000
08-2545 Records Management		1,151,000
09-2506 Commercial Recording		688,000
Total Appropriation, Office of the Secretary of State		$3,366,000
Personal Services:		
Salaries and Wages	($2,138,000)	
Materials and Supplies	(86,000)	
Services Other Than Personal	(417,000)	
Maintenance and Fixed Charges	(56,000)	
Special Purpose:		
Voter Registration	(275,000)	
Voter Declaration	(4,000)	
Affirmative Action and Equal Employment Opportunity	(34,000)	
Martin Luther King Jr. Commemorative Commission	(215,000)	
Records Storage Center Staffing	(100,000)	
Additions, Improvements and Equipment	(41,000)	

Receipts derived from the examination of voting machines by the Secretary of State and the unexpended balance as of June 30, 1993, of those receipts are appropriated for the costs of making such examinations.

The unexpended balance as of June 30, 1993, in the Martin Luther King, Jr. Commemorative Commission is appropriated for the same purpose.

Receipts from the over-the-counter service surcharge and the unexpended balance of such surcharge as of June 30, 1993, are appropriated to meet the costs of the Division of Commercial Recording.

The Director of the Division of Budget and Accounting is empowered to transfer or credit to the Microfilm Section from any appropriation made to any department for microfilming costs which had been appropriated or allocated to such department for its share of the costs of the Microfilm Section.

Receipts derived from fees charged for microfilming services provided to local governments are appropriated for the same purpose.

The unexpended balance in the Secretary of State Fund as of June 30, 1993, and, notwithstanding the provisions of P.L.1987, c.435, receipts in excess of the amount anticipated from fees are appropriated.

2515 Adjudication of Administrative Appeals

03-2515 Adjudication of Administrative Appeals		$10,926,000
Total All Operations		$10,926,000
Less:		
Reimbursements From Other Sources......	*($6,270,000)*	
Total Deductions		*($6,270,000)*
Total Appropriation, Adjudication of Administrative Appeals		$4,656,000
Personal Services:		
Salaries and Wages	($7,707,000)	
Materials and Supplies	(1,643,000)	
Services Other Than Personal.......................	(938,000)	
Maintenance and Fixed Charges..................	(193,000)	
Special Purpose:		
Affirmative Action and Equal Employment Opportunity....................	(6,000)	
Additions, Improvements and Equipment	(439,000)	
Less:		
Reimbursements From Other Sources Expense	*(6,270,000)*	

Notwithstanding any law to the contrary, the salary of the Director of the Office of Administrative Law shall be established by the Commissioner of Personnel in the "State Compensation Plan."

Receipts derived from the sale of publications by the Office of Administrative Law and the unexpended balance as of June 30, 1993, of such receipts are appropriated.

In addition to the amount hereinabove, there are appropriated such sums as may be received or receivable from any department or non-State fund source for administrative hearing costs by the Office of Administrative Law and the unexpended balance as of June 30, 1993, of such sums, subject to the approval of the Director of the Division of Budget and Accounting.

The Director of the Division of Budget and Accounting is empowered to transfer or credit to the Office of Administrative Law any appropriation made to any department for administrative hearing costs which had been appropriated or allocated to such department for its share of such costs.

Total Appropriation, Department of State	$10,845,000

78 DEPARTMENT OF TRANSPORTATION

60 Transportation Programs

61 State Highway Facilities

06-6100 Maintenance and Operations	$69,262,000

08-6120 Physical Plant and Support Services		7,684,000
71-6200 Transportation Systems Improvements		7,853,000
Total Appropriation, State Highway Facilities		$84,799,000
Personal Services:		
Salaries and Wages	($50,469,000)	
Materials and Supplies	(10,998,000)	
Services Other Than Personal	(6,023,000)	
Maintenance and Fixed Charges	(17,154,000)	
Special Purpose:		
Microfilm Service Charges	(68,000)	
Delaware and Raritan Canal Transportation Safety Commission Study	(12,000)	
Additions, Improvements and Equipment	(75,000)	

The unexpended balances as of June 30, 1993 in the accounts hereinabove are appropriated.

The department shall be permitted to transfer an amount approved by the Director of the Division of Budget and Accounting from funds previously appropriated for State highway projects from the "Transportation Rehabilitation and Improvement Fund of 1979," established pursuant to section 15 of P.L.1979, c.165, for planning, engineering, design, right-of-way acquisition, or other costs related to the construction of projects financed from that fund.

Receipts in excess of $240,000 derived from outdoor advertising application and permit fees are appropriated for the purpose of administering the outdoor advertising permit and regulation program, subject to the approval of the Director of the Division of Budget and Accounting.

Receipts in excess of $600,000 derived from highway application and permit fees pursuant to subsection (h) of section 5 of P.L.1966, c.301 (C.27:1A-5) are appropriated for the purpose of administering the access permit review program, subject to the approval of the Director of the Division of Budget and Accounting.

Receipts derived from fees for the Logo Sign Program are appropriated for the purpose of administering the program subject to the approval of the Director of the Division of Budget and Accounting.

64 Regulation and General Management

05-6070 Access and Use Management		$2,165,000
99-6000 Management and Administrative Services		12,856,000
Total Appropriation, Planning and General Management Support		$15,021,000
Personal Services:		
Salaries and Wages	($11,683,000)	

Materials and Supplies	(290,000)	
Services Other Than Personal	(2,177,000)	
Maintenance and Fixed Charges	(95,000)	
Special Purpose:		
Airport Safety Fund	(300,000)	
Affirmative Action and Equal Employment Opportunity	(476,000)	

The unexpended balance as of June 30, 1993 in the Airport Safety Fund account together with any receipts in excess of the amount anticipated are appropriated.

The amount hereinabove for the Airport Safety Fund is payable out of the "Airport Safety Fund" established pursuant to section 4 of P.L.1983, c.264 (C.6:1-92). If receipts to that fund are less than anticipated, the appropriation shall be reduced proportionately.

The unexpended balance as of June 30, 1993, and the reimbursements in the department's Stock Purchase Revolving Fund for the purchase of materials and supplies required for the operation of the department are appropriated.

Receipts in excess of $145,000 derived from motorbus petition and inspection fees are appropriated for the purpose of administering the motorbus regulation program, subject to the approval of the Director of the Division of Budget and Accounting.

Receipts derived from fees on placarded rail freight cars transporting hazardous materials in this State are appropriated to defray the expenses of the placarded rail freight car transporting hazardous materials program, subject to the approval of the Director of the Division of Budget and Accounting.

Total Appropriation, Department of Transportation		$99,820,000

82 DEPARTMENT OF THE TREASURY

70 Government Direction, Management and Control

72 Governmental Review and Oversight

02-2010 Office of State Planning		$714,000
03-2015 Employee Relations and Collective Negotiations		696,000
05-2030 Budget Management and Planning.		7,365,000
07-2040 Accounting and Financial Reporting		9,055,000
Total Appropriation, Governmental Review and Oversight		$17,830,000
Personal Services:		
Salaries and Wages	($12,417,000)	
Materials and Supplies	(301,000)	
Services Other Than Personal	(4,700,000)	
Maintenance and Fixed Charges	(54,000)	

Special Purpose:	
General Fixed Asset Account Group, Independent Audit	(42,000)
Additions, Improvements and Equipment	(316,000)

The Office of State Planning is authorized to collect reasonable fees for the distribution of its publications. Receipts derived from such fees are appropriated for the Office of State Planning.

Such sums as may be necessary for administrative expenses incurred in processing federal benefit payments are appropriated from such sums as may be received or receivable for this purpose.

In addition to the amounts hereinabove, there are appropriated such additional sums as may be necessary for an independent audit of the State's general fixed asset account group, and the single audit.

73 Financial Administration

15-2080 Tax Collection Services and Administration		$83,475,000
16-2090 Administration of State Lottery		17,767,000
19-2120 Management of State Investments		3,578,000
Total Appropriation, Financial Administration		$104,820,000
Personal Services:		
Salaries and wages	($58,225,000)	
Positions Established From Lump Sum Appropriation	(4,062,000)	
Positions Established In Lieu of Appropriated Revenue	(1,521,000)	
Materials and Supplies	(3,368,000)	
Services Other Than Personal	(35,000,000)	
Maintenance and Fixed Charges	(2,046,000)	
Additions, Improvements and Equipment	(598,000)	

So much of the receipts derived from the sale of confiscated equipment, materials and supplies under the "Cigarette Tax Act," P.L.1948, c.65 (C.54:40A-1 et seq.), as may be necessary for confiscation, storage, disposal and other related expenses thereof, are appropriated.

Notwithstanding any other law to the contrary, there are appropriated out of the receipts in the Solid Waste Services Tax Fund and the Resource Recovery Investment Tax Fund such sums as may be necessary for the cost of administration and collection of taxes pursuant to P.L.1985, c.38 (C.13:1E-136 et seq.), subject to the approval of the Director of the Division of Budget and Accounting.

Upon certification of the Director of the Division of Taxation, the State Treasurer shall pay, upon warrants of the Director of the Division of Budget and Accounting, such claims for refund as may be necessary under the provisions of Title 54 of the Revised Statutes, as amended and supplemented.

There are appropriated out of the State Lottery Fund such sums as may be necessary for costs required to implement the "State Lottery Law," P.L.1970, c.13 (C.5:9-1 et seq.) and for payment for commissions, prizes and expenses of developing games pursuant to section 7 of P.L.1970, c.13 (C.5:9-7).

In addition to the amounts hereinabove, State Lottery Fund receipts in excess of anticipated contributions to education and State institutions, and reimbursement of administrative expenditures, are appropriated, subject to the approval of the Director of the Division of Budget and Accounting and the Joint Budget Oversight Committee.

Notwithstanding the provisions of any other law to the contrary, there are appropriated out of receipts derived from communications fees such sums as may be necessary for telecommunications costs required in the administration of the State Lottery.

There are appropriated, out of receipts derived from service fees billed to authorities for the handling of investment transactions, such sums as may be necessary to administer the above investment activity.

Notwithstanding the provisions of any law to the contrary, the expenses of administration for the various retirement systems and employee benefit programs administered by the Division of Pensions and Benefits and the Division of Investments within the limits of appropriations made herein shall be charged to the pension and health benefits funds established by law to receive employer contributions or payments or to make benefit payments under the programs, as the case may be. In addition to the amounts hereinabove, there are appropriated $131,000 for the Securities "Roll" program, $195,000 for the International Stocks program and $158,000 for the Small Capitalization Stock program in the Division of Investments and $2,886,000 for Client Services in the Division of Pensions and Benefits and these appropriations shall be charged to the pensions and health benefits funds established by law to receive employer contributions or payments or to make benefit payments under the programs, as the case may be. Receipts from such charges, payable on a schedule to be determined by the Director of the Division of Budget and Accounting, shall be deposited in the General Fund and anticipated as revenue thereto. The administrative expenses charged to each pension or health benefit fund shall be included as a liability of the retirement system or employee benefit program maintaining such fund by law, for the purpose of determining future employer contributions or payments to the fund, or the amount of benefits to be paid under the program, as appropriate.

There are appropriated, out of receipts derived from the investments of State funds, such sums as may be necessary for bank service charges, custodial costs, mortgage servicing fees and advertising bank balances under section 1 of P.L.1956, c.174 (C.52:18-16.1).

There are appropriated, out of revenues derived from escheated property under the various escheat acts, such sums as may be necessary to administer such acts and such sums as may be required for refunds.

There are appropriated from the investment earnings of general obligation bond proceeds, such sums as may be necessary for the payment of debt service administrative costs.

An amount equivalent to the amount due to be paid in Fiscal Year 1994 to the State by the Port Authority of New York and New Jersey pursuant to the regional economic development agreement dated January 1, 1990 among the states of New York and New Jersey and the Port Authority of New York and New Jersey is appropriated to the Economic Recovery Fund established pursuant to section 3 of P.L.1992, c.16 (C.34:1B-7.12) for the purposes of P.L.1992, c.16 (C.34:1B-7.10 et seq.).

74 General Government Services

09-2050 Purchasing and Inventory Management		$5,390,000
10-2055 Physical Plant Operation and Maintenance		10,392,000
11-2060 Other Property Management Services		2,779,000
21-2140 Management of Employee Benefits Programs		22,318,000
24-2061 Real Property Management		369,000
37-2051 Risk Management		1,934,000
Total Appropriation, General Government Services		$43,182,000
Personal Services:		
Salaries and wages	($28,454,000)	
Materials and Supplies..................................	(1,063,000)	
Services Other Than Personal	(10,330,000)	
Maintenance and Fixed Charges..................	(1,872,000)	

Special Purpose:	
Maintenance--Old Barracks, Trenton (State share)	(323,000)
State Pension System Audit	(128,000)
Gubernatorial transition Governor	(50,000)
Gubernatorial transition, Governor-Elect.	(200,000)
Additions, Improvements and Equipment	(762,000)

The unexpended balance in the State Purchase Fund as of June 30, 1993, and the reimbursements thereto, are appropriated for the purpose of making payments for purchases under R.S.52:25-1 et seq., and for the expenses of handling, storing and transporting purchases so made and for administration of the Distribution Center.

There are appropriated out of the revenues received from the sale of surplus property sufficient sums for the administrative costs of the Distribution Center-Surplus Property Unit.

There are appropriated, out of receipts derived from service fees billed to political subdivisions for the operating costs of the cooperative purchasing program, such sums as may be necessary to administer and operate the above purchasing activity.

The Director of the Division of Budget and Accounting is empowered to transfer or credit to the Print Shop revolving fund any appropriation made to any department for printing costs appropriated or allocated to such departments for their share of costs of the Print Shop and the Office of Printing Control.

The Director of the Division of Budget and Accounting is empowered to transfer or credit to the Capitol Post Office revolving fund from any appropriation made to any department for postage costs appropriated or allocated to such departments for their share of costs of the Capitol Post Office.

The Director of the Division of Budget and Accounting is empowered to transfer or credit to the Construction Management Services program classification, from appropriations for construction and improvements, a sufficient sum to pay for the cost of architectural work, superintendence and other expert services in connection with such work.

In addition to the amounts hereinabove, there are appropriated such additional sums as may be necessary for independent audits of the State's pension systems, provided that such appropriations shall be reimbursed to the General Fund from the resources available to the various pension funds.

Notwithstanding the provisions of any law to the contrary, the expenses of administration for the various retirement systems and employee benefit programs administered by the Division of Pensions and Benefits and the Division of Investments within the limits of appropriations made herein shall be charged to the pension and health benefits funds established by law to receive employer contributions or payments or to make benefit payments under the programs, as the case may be. In addition to the amounts hereinabove, there are appropriated $131,000 for the Securities "Roll" program, $195,000 for the International Stocks program and $158,000 for the Small Capitalization Stock program in the Division of Investments and $2,886,000 for Client Services in the Division of Pensions and Benefits and these appropriations shall be charged to the pensions and health benefits funds established by law to receive employer contributions or payments or to make benefit payments under the programs, as the case may be. In addition, in accordance with P.L.1993, c.99, which provides additional retirement benefits for certain police and firefighters, an amount not to exceed $500,000 is appropriated to fund administrative costs of the Division of Pensions and Benefits, as determined by the Director of the Division of Budget and Accounting, and this appropriation shall be charged to the Police and Firemen's Retirement System Fund. This appropriation shall cover administrative expenses for Fiscal Year 1994. Receipts from such charges, payable on a schedule to be determined by the Director of the Division of Budget and Accounting, shall be deposited in the General Fund and anticipated as revenue thereto. The administrative expenses charged to each pension or health benefit fund shall be included as a liability of the retirement system or employee benefit program maintaining such fund by law, for the purpose of determining future employer contributions or payments to the fund, or the amount of benefits to be paid under the program, as appropriate.

Receipts derived from the leasing of State surplus real property are appropriated for the maintenance of leased property subject to the approval of the Director of the Division of Budget and Accounting, provided that a sum not to exceed $100,000 shall be available for the administrative expenses of the program.

Receipts from employee maintenance charges in excess of $1,000,000 are appropriated for maintenance of employee housing and associated relocation costs; provided however, that a sum not to exceed $170,000 shall be available for management of the program, the expenditure of which shall be subject to the approval of the Director of the Division of Budget and Accounting.

There are appropriated, out of receipts derived from service fees billed to authorities for the handling of insurance procurement and risk management services, such sums as may be necessary to administer the above insurance and risk management activities.

Notwithstanding the provisions of any other law to the contrary, there are appropriated, out of receipts derived from third party subrogation, such sums as may be necessary for the administrative expenses of this program.

The Director of the Division of Budget and Accounting is empowered to transfer or credit to any central data processing center from any appropriation made to any department which had been appropriated or allocated to such department for its share of costs of such data processing center including the replacement of data processing equipment and the purchase of additional data processing equipment.

The unexpended balances in the State cafeteria accounts as of June 30, 1993, and receipts obtained from cafeteria operations, are appropriated for the improvement and extension of cafeteria services and facilities pursuant to section 2 of P.L.1951, c.312 (C.52:18A-19.6).

In addition to the amounts hereinabove, there is appropriated $320,000 for the expenses of the Pension and Health Benefits Commission, provided that such appropriation shall be reimbursed to the General Fund from the resources available to the various pensions and health benefits funds.

A sum not to exceed $171,000 from proceeds derived from commissions paid to the Travel Services Section is appropriated for administrative expenses of the program.

There are appropriated out of revenues derived from the rental and operation of the War Memorial, such sums as may be necessary to operate and maintain this facility.

There are appropriated from the Capital City Redevelopment Loan and Grant Fund such sums as may be required to provide for the administrative expenses of the Capital City Redevelopment Corporation, and programs and strategies which will enhance the vitality of the district as a place to live, visit, work and conduct business, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provision of any other law to the contrary, there are appropriated from receipts derived from vendor registration fees sufficient sums for services and expenses related to the development, letting and administration of commodity or service contracts.

There are appropriated out of receipts derived from lease proceeds billed to the occupants of the James J. Howard Marine Science Laboratory, such sums as may be required to operate and maintain the facility and for the payment of interest and/or principal due from the issuance of bonds for this facility.

76 Management and Administration

01-2005 Federal Liaison Activities.............		$138,000
98-2006 Public Contracts Affirmative Action Office		912,000
99-2000 Management and Administrative Services		3,737,000
Total Appropriation, Management and Administration		$4,787,000
Personal Services:		
Salaries and wages..................................	($4,008,000)	
Materials and Supplies.................................	(27,000)	
Services Other Than Personal......................	(506,000)	
Maintenance and Fixed Charges..................	(58,000)	
Special Purpose:		
Federal Liaison Office--Washington, D.C.	(138,000)	
State Revenue Forecasting Advisory Commission..	(50,000)	

Fees collected on behalf of the Public Contracts Affirmative Action Office program classification and the unexpended balance as of June 30, 1993 of such fees are appropriated for program costs, subject to allotment by the Director of the Division of Budget and Accounting.

There is appropriated from investment earnings of State funds a sum, not to exceed $500,000, for public finance activities.

Such sums as may be necessary for payment of expenses incurred by issuing officials appointed under the several bond acts of the State are appropriated for the purposes and from the sources defined in those acts.

Notwithstanding the provisions of any law to the contrary, there are appropriated from the "Drug Enforcement and Demand Reduction Fund" such sums as may be required to provide for the administrative expenses of the Governor's Council on Alcoholism and Drug Abuse and for programs and grants to other agencies, subject to the approval of the Director of the Division of Budget and Accounting.

The unexpended balance as of June 30, 1993 in the State Revenue Forecasting Advisory Commission account is appropriated for the same purpose.

Total Appropriation, Department of the Treasury		$170,619,000

90 MISCELLANEOUS EXECUTIVE COMMISSIONS

40 Community Development and Environmental Management

43 Science and Technical Programs

9130 Interstate Sanitation Commission

03-9130 Interstate Sanitation Commission..		$315,000
Total Appropriation, Interstate Sanitation Commission		$315,000
Special Purpose:		
Expenses of Commission	($315,000)	

9140 Delaware River Basin Commission

02-9140 Delaware River Basin Commission		$510,000
Total Appropriation, Delaware River Basin Commission		$510,000
Special Purpose:		
Expenses of Commission	($510,000)	

70 Government Direction, Management and Control

76 Management and Administration

9146 Governor's Management Review Commission

90-9146 Governor's Management Review Commission		$250,000
Total Appropriation, Governor's Management Review Commission...........................		$250,000
Special Purpose:		
Expenses of Commission	($250,000)	
Total Appropriation, Miscellaneous Executive Commissions		$1,075,000

94 INTER-DEPARTMENTAL ACCOUNTS

70 Government Direction, Management and Control

74 General Government Services

9400 Property Rentals, Insurance and Other Services

01-9400 Property Rentals	$166,336,000
02-9400 Insurance and Other Services	38,411,000
06-9400 Utilities and Other Services	18,763,000
Total Appropriation, Property Rentals, Insurance and Other Services	$223,510,000

Materials and Supplies	($18,763,000)
Maintenance and Fixed Charges	
Rent:	
Existing and Anticipated Leases	(146,826,000)
Mercer County Improvement Authority	(7,298,000)
Economic Development Authority	(12,920,000)
New Jersey Sports and Exposition Authority	(18,670,000)
New Jersey Building Authority	(17,506,000)
Other Debt Service Leases and Tax Payments	(11,716,000)
Master Lease Payments	(4,518,000)
Less:	
Direct Charges and Charges to Non-State Fund Sources	*(53,118,000)*
Insurance Premiums:	
Property Insurance	(1,089,000)
Casualty Insurance	(802,000)
Special Insurance Policies	(120,000)
Special Purpose:	
Tort Claims Liability Fund (C.59:12-1)	(6,000,000)
Workers' Compensation Self-Insurance Fund	(27,000,000)
Vehicle Claims Liability Fund	(3,000,000)
Self-Insurance Deductible Fund	(400,000)

The Director of the Division of Budget and Accounting is empowered to allocate to any State agency occupying space in any State-owned building, equitable charges for the rental of such space, to include but not be limited to the costs of operation and maintenance thereof, and the amounts so charged shall be credited to the General Fund; and, to the extent that such charges exceed the amounts appropriated for such purposes to any agency financed from any fund other than the General Fund, the required additional appropriation shall be made out of such other fund.

Receipts derived from direct charges and charges to non-State fund sources are appropriated for the rental of property, including the costs of operation and maintenance of such properties.

Notwithstanding any other provision of law, and except as hereinafter provided, no lease for the rental of any office or building shall be executed without the prior written consent of the State Treasurer, the Director of the Division of Budget and Accounting, the President of the Senate and the Speaker of the General Assembly.

The amount hereinabove for the Newark Performing Arts Center account shall be used to pay the State's obligations pursuant to a lease with the New Jersey Economic Development Authority for the lease of real property and infrastructure improvements thereon purchased by the authority for the State in the city of Newark for the purpose of constructing buildings to comprise a Performing Arts Center. Notwithstanding any other provision of law, the State Treasurer may enter into a lease with the New Jersey Economic Development Authority to lease the real property and infrastructure improvements thereon purchased by the authority for the State in the city of Newark for the Performing Arts Center, subject to the prior written consent of the Director of the Division of Budget and Accounting, the President of the Senate and the Speaker of the General Assembly. Upon the final payment of the State's obligations pursuant to the lease for the real property and infrastructure improvements purchased by the authority, the title to the real property and improvements shall revert to the State. Any sublease for use of land and improvements acquired for the State by the New Jersey Economic Development Authority for the Performing Arts Center shall be subject to the prior written approval of the Director of the Division of Budget and Accounting and the Joint Budget Oversight Committee, or its successor.

There are appropriated such additional sums as may be required to pay future debt service costs for projects undertaken by the New Jersey Building Authority, subject to the approval of the Director of the Division of Budget and Accounting.

The unexpended balance as of June 30, 1993 in the Master Lease Program Fund is appropriated for the same purpose.

The unexpended balance as of June 30, 1993 in the Tort Claims Liability Fund account created by N.J.S.59:12-1 is appropriated for the same purpose.

There are appropriated such additional sums as may be required to pay tort claims under N.J.S.59:12-1, subject to the approval of the Director of the Division of Budget and Accounting.

The amount hereinabove for the Tort Claims Liability Fund under N.J.S.59:12-1 is available for the payment of direct costs of legal, investigative and medical services related to the investigation, mitigation and litigation of claims against the fund.

To the extent that sums appropriated to pay Workers' Compensation claims under R.S.34:15-1 et seq., are insufficient, there are appropriated such additional sums as may be required to pay Workers' Compensation claims, subject to the approval of the Director of the Division of Budget and Accounting.

The amount hereinabove for the Workers' Compensation Self-Insurance Fund under R.S.34:15-1 is available for the payment of direct costs of legal, investigative, and medical services related to the investigation, mitigation and litigation of claims against the fund.

To the extent that sums appropriated to pay auto insurance claims are insufficient, there are appropriated such additional sums as may be required to pay auto insurance claims, subject to the approval of the Director of the Division of Budget and Accounting.

The amount hereinabove for the Vehicle Claims Liability Fund is available for the payment of direct costs of legal, investigative and medical services related to the investigation, mitigation and litigation of claims against the fund.

The unexpended balances as of June 30, 1993 in the Inter-Departmental accounts for automobile insurance are appropriated as a reserve for payment of vehicular claims settlements and judgments, payment of vendored claims, investigative costs, or for the reallocation to departments based on loss experience.

The amount appropriated for the Self-Insurance Fund-Foster Parents is available for the payment of direct costs of legal, investigative and medical services related to the investigation, mitigation and litigation of claims against the fund.

The unexpended balances as of June 30, 1993 in the Self-Insurance Deductible Fund and in the Workers' Compensation Self-Insurance Fund are appropriated for the same purposes.

The unexpended balance as of June 30, 1993, not to exceed $200,000, in the Self-Insurance Fund-Foster Parents is appropriated for the same purpose.

The sums hereinabove are available for payment of obligations applicable to prior fiscal years.

The unexpended balance as of June 30, 1993 in the Vehicle Claims Liability Fund is appropriated for the same purpose.

The funds appropriated to the Tort Claims Liability Fund are available for the indemnification of pool attorneys engaged by the Public Advocate for the defense of indigents.

The funds appropriated to the Tort Claims Liability Fund are available for the indemnification of designated pathologists engaged by the State Medical Examiner.

9410 Employee Benefits

03-9410 Employee Benefits		$1,150,236,000
Total Appropriation, Employee Benefits		$1,150,236,000
Special Purpose:		
Heath Act	($30,000)	
Veterans' Act	(200,000)	
Miscellaneous Special Acts	(6,000)	
Judicial Retirement System	(9,618,000)	
Prison Officers' Pension Fund	(2,114,000)	
Public Employees' Retirement System	(148,411,000)	
State Police Retirement System	(10,800,000)	
Pension Adjustment Act	(1,588,000)	
Minimum Pension Benefit Act	(50,000)	
Employer Contributions, Alternate Benefit Program	(53,673,000)	
Pension and Noncontributory Group Life Insurance Benefit Payments to Teachers' Pension and Annuity Fund for Higher Education and State Employee Members	(4,829,000)	
Police and Firemen's Retirement System (P.L.1979, c.109)	(19,888,000)	
Police and Firemen's Retirement System, P.L.1944, c.255 (C.43:16A-1 et seq.)	(36,231,000)	
Social Security Tax	(284,000,000)	
State Employees' Health Benefits	(521,300,000)	
Prescription Drug Program	(65,800,000)	
Temporary Disability Insurance	(5,036,000)	
Vision Care	(1,400,000)	
Dental Care Program, Shared Cost	(17,800,000)	
Unemployment Insurance - Employer Liability	(17,462,000)	
Less:		
Fringe Benefit Savings From Early Retirement and Attrition Programs	*(25,000,000)*	
Savings From Non-Salary Accounts	*(25,000,000)*	

There is appropriated a sufficient amount in order that upon application to the Director of the Division of Budget and Accounting, an annuity of $4,000 shall be paid to the widow of any person, now deceased, who was elected and served as Governor of the State; provided such widow was the wife of such person for all or part of the period during which he served as Governor; and provided further, that this shall not apply to any widow receiving a pension granted under

R.S.43:8-2, and continued by R.S.43:7-1 et seq., R.S.43:8-1 et seq., and R.S.43:8-8 et seq.

Such additional sums as may be required for Unemployment Compensation liability are appropriated as the Director of Budget and Accounting shall determine.

Such additional sums as may be required for Social Security Tax, or State employees' health benefits may be allotted from the various departmental operating appropriations to this account, as the Director of the Division of Budget and Accounting shall determine.

Of the amounts hereinabove for the Pension Adjustment Act, such sums as are appropriated in advance for increased retirement benefits for local employee members of State-administered retirement systems shall be repaid to the General Treasury upon reimbursement from local public employers.

Savings From Non-Salary Accounts shall be realized through transfers to the Employee Benefits program classification as determined by the Director of the Division of Budget and Accounting.

9420 State Contingency Fund

04-9420 State Contingency Fund.................		$15,550,000
Total Appropriation, State Contingency Fund		$15,550,000
Special Purpose:		
To the Governor, for allotment to the various departments or agencies, to meet any condition of emergency or necessity; provided, however, that a sum not in excess of $5,000 shall be available for the expense of officially receiving dignitaries and for incidental expenses, including lunches for non-salaried board members and others for whom official reception shall be beneficial to the State	($2,000,000)	
Contingencies-Including Food and Services	(1,500,000)	
Telephone Buy-Out..................................	(50,000)	
Statewide 911 Emergency Telephone System	(12,000,000)	
Interest on Short Term Notes	(25,000,000)	
Less:		
Interest Earned...	*(25,000,000)*	

Unless otherwise indicated, the above amounts may be allotted by the Director of the Division of Budget and Accounting to the various departments and agencies.

The unexpended balance as of June 30, 1993 in the Statewide 911 Emergency Telephone System account is appropriated for the same purposes, or for such enhancements as determined by the Director of the Division of Budget and Accounting.

9430 Salary and Other Benefits

05-9430 Salary and Other Benefits.............		$21,070,000
Total Appropriation, Salary and Other Benefit		$21,070,000
Special Purpose:		
Salary and Benefits Increases-Increments	($31,538,000)	
Salary and Benefits Increases- Cost of Living Adjustments................	(85,081,000)	
Salary and Benefits Increases- Deferred Cost of Prior Contract (COLA and Increments).....................	(23,451,000)	
Unused Accumulated Sick Leave Payments	(3,000,000)	
Unused Accumulated Sick Leave Cost Associated with the Early Retirement Program.....	(16,000,000)	
Less:		
Savings From Early Retirement Program -		
Chief Executive's Office..........................	*(53,000)*	
Agriculture...	*(368,000)*	
Banking...	*(228,000)*	
Commerce and Economic Development...	*(429,000)*	
Community Affairs.................................	*(848,000)*	
Corrections..	*(5,012,000)*	
Education...	*(1,284,000)*	
Environmental Protection and Energy.....	*(2,593,000)*	
Health..	*(1,357,000)*	
Higher Education...................................	*(13,038,000)*	
Human Services.....................................	*(16,674,000)*	
Insurance...	*(381,000)*	
Labor...	*(1,764,000)*	
Law and Public Safety...........................	*(5,184,000)*	
Military and Veterans' Affairs.................	*(1,272,000)*	
Personnel...	*(893,000)*	
Public Advocate.....................................	*(850,000)*	
State..	*(297,000)*	
Transportation.......................................	*(6,670,000)*	
Treasury...	*(4,777,000)*	
Legislature...	*(639,000)*	
Judiciary..	*(1,389,000)*	
GRAND TOTAL SAVINGS, Early Retirement	*$66,000,000)*	
Savings From Attrition Program -		
Chief Executive's Office..........................	*(77,000)*	
Agriculture...	*(100,000)*	
Banking...	*(108,000)*	
Commerce and Economic Development...	*(144,000)*	
Community Affairs.................................	*(185,000)*	

Corrections	*(6,874,000)*
Education	*(498,000)*
Environmental Protection and Energy	*(650,000)*
Health	*(506,000)*
Higher Education	*(8,450,000)*
Human Services	*(10,124,000)*
Insurance	*(230,000)*
Labor	*(302,000)*
Law and Public Safety	*(4,468,000)*
Military and Veterans' Affairs	*(822,000)*
Personnel	*(530,000)*
Public Advocate	*(659,000)*
State	*(163,000)*
Transportation	*(1,340,000)*
Treasury	*(1,581,000)*
Legislature	*(687,000)*
Judiciary	*(1,502,000)*
GRAND TOTAL SAVINGS, Attrition	*($40,000,000)*
Reduced Cost of Salary Benefits Due to fewer Employees	*(5,000,000)*
Savings from Voluntary Furlough Program	*(2,000,000)*
Savings	*(25,000,000)*

The sums hereinabove appropriated to the various departments, agencies, commissions, or institutions of higher education for the cost of salaries, wages, or other benefits shall be allotted as the Director of the Division of Budget and Accounting shall determine.

Any sums appropriated for salaries shall be made available for any person holding State office, position or employment, whose compensation is paid directly or indirectly, in whole or in part, from State funds, including any person holding office, position or employment in any educational institution for which appropriations are made to Rutgers, The State University; the University of Medicine and Dentistry of New Jersey, the State Colleges or to the State Board of Higher Education for the New Jersey Institute of Technology; or holding office, position or employment under the Palisades Interstate Park Commission.

In addition to the amount hereinabove for Unused Accumulated Sick Leave Payments, there are appropriated such additional sums as may be necessary for payments of unused accumulated sick leave.

No salary range or rate of pay shall be increased or paid in any State department, agency, or commission without the approval of the Commissioner of Personnel and the Director of the Division of Budget and Accounting. Nothing herein shall be construed as applicable to unclassified personnel of the Legislative Branch, or the unclassified personnel of the Judicial Branch.

Notwithstanding the provisions of any other laws, including R.S.34:15-49 and section 1 of P.L.1981, c.353 (C.34:15-49.1), the State Treasurer, the Commissioner of Personnel, and the Director of the Division of Budget and Accounting shall establish directives governing salary ranges and rates of pay, including salary increases. The implementation of such directives shall be made effective at the first full pay period of Fiscal Year 1994 as determined by such directives, with timely notification of such directives to the Joint Budget Oversight Committee or its successor. Such directives shall not be considered an "administrative rule" or "rule" within the meaning of subsection (e) of section 2 of P.L.1968, c.410 (C.52:14B-2), but shall be considered exempt under paragraphs (1) and (2) of subsection (e) of section 2 of P.L.1968, c.410 (C.52:14B-2), and shall not be subject to the "Administrative Procedure Act" P.L.1968, c.410 (C.52:14B-1 et seq.). Nothing herein shall be construed as applicable to the Presidents of the State Colleges, Rutgers, The State University, the University of Medicine and Dentistry of New Jersey and the New Jersey Institute of Technology.

From the amounts appropriated hereinabove for Salary and Benefits Increases - Increments and Salary and Benefits Increases - Cost of Living Adjustments, each public institution of higher education shall receive the full amount to which the institution is entitled.

The Director of the Division of Budget and Accounting shall transfer from departmental accounts and credit to the Salary and Other Benefits account a sum of $40,000,000 to reflect savings from an attrition program, and $66,000,000 to reflect savings from an early retirement incentive program, as determined by the director. This additional sum is be appropriated for Salary and Other Benefits.

The Director of the Division of Budget and Accounting shall transfer from accounts and credit to the Salary and Other Benefits account a sum of $25,000,000.

For every position vacated by retirement, a position in the department where the retirement occurred shall be abolished by the Director of the Division of Budget and Accounting.

Total Appropriation, Inter-Departmental Accounts	$1,410,366,000

98 THE JUDICIARY

10 Public Safety and Criminal Justice

15 Judicial Services

01-9710 Supreme Court		$3,456,000
02-9715 Superior Court--Appellate Division		10,592,000
03-9720 Civil Courts		25,802,000
04-9725 Criminal Courts		15,549,000
05-9730 Family Courts		11,064,000
06-9735 Municipal Courts		841,000
07-9740 Probation Services		8,847,000
08-9745 Court Reporting		9,171,000
09-9750 Legal and Professional Services		1,316,000
10-9755 Information Services		9,846,000
11-9760 Field Operations		2,366,000
12-9765 Management and Administration		5,812,000
Total Appropriation, Judicial Services		$104,662,000
Personal Services:		
Chief Justice	($120,000)	
Associate Justices	(690,000)	
Judges	(42,349,000)	
Salaries and Wages	(39,218,000)	
Materials and Supplies	(1,954,000)	
Services Other Than Personal	(5,398,000)	
Maintenance and Fixed Charges	(423,000)	
Special Purpose:		
Rules Development	(155,000)	
Alternative Dispute Resolution	(80,000)	
Speedy Trial Program, Case Processing Improvement	(50,000)	
Child Support and Paternity Program (State Share)	(1,124,000)	
Child Placement Review Advisory Council	(75,000)	
Municipal Court Assistance	(310,000)	
Intensive Supervision Program	(5,847,000)	
Juvenile Intensive Supervision Program	(2,067,000)	
Court Unification Support	(1,100,000)	
General Equity	(1,237,000)	
Affirmative Action and Equal Employment Opportunity	(179,000)	
Additions, Improvements and Equipment	(2,286,000)	

The unexpended balance as of June 30, 1993 in these respective accounts is appropriated.

Receipts from charges to Special Purpose and Grant accounts listed hereinabove are appropriated for services provided to these funds.

Receipts from charges to the Superior Court Trust Fund, Clients' Security Fund, Ethics Financial Committee, Board of Trial Attorney Certification, Bar Admission Financial Committee and the Automated Traffic System Fund are appropriated for services provided to these funds.

Notwithstanding the provisions of section 1 of P.L.1974, c.57 (C.2A:1A-6), the salaries of the Associate Justices of the Supreme Court shall be fixed and established at $115,000 per year.

Total Appropriation, Judiciary	$104,662,000
Total Appropriation, Direct State Services	$4,494,492,000

GRANTS-IN-AID

10 DEPARTMENT OF AGRICULTURE

40 Community Development and Environmental Management

42 Natural Resource Management--Grants-In-Aid

03-3330 Resource Development Services ..		$6,222,000
Total Appropriation, Natural Resource Management		$6,222,000
Grants		
Production Efficiency and Agricultural Business Development Incentive	($6,000,000)	
Farm Management and Training Initiative	(222,000)	

The expenditure of funds for Production Efficiency and Agricultural Business Development Incentive grants shall be based upon an expenditure plan subject to the approval of the Director of the Division of Budget and Accounting.

An amount not to exceed 5% of the amount appropriated for the Production Efficiency and Agricultural Business Development Incentive grant program shall be available for administration of the program.

50 Economic Planning, Development and Security

51 Economic Planning and Development--Grants-In-Aid

06-3360 Marketing Services		$610,000
Total Appropriation, Economic Planning and Development		$610,000
Grants:		
Promotion/Market Development Matched Funds Program......................	($300,000)	
New Jersey Museum Of Agriculture........	(310,000)	
Total Appropriation, Department of Agriculture		$6,832,000

20 DEPARTMENT OF COMMERCE AND ECONOMIC DEVELOPMENT

50 Economic Planning, Development and Security

51 Economic Planning and Development

2890 New Jersey Commission on Science and Technology--Grants-In-Aid

24-2890 New Jersey Commission on Science and Technology	$20,199,000
Total Appropriation, New Jersey Commission on Science and Technology	$20,199,000

Grants:

Center for Advanced Food Technology ...	($1,371,000)
Center for Hazardous Substance Management Research	(2,652,000)
Fisheries Development and Aqua-culture	(180,000)
Business Development	(600,000)
Center for Advanced Biotechnology and Medicine	(2,747,000)
Center for Biomolecular Agriculture........	(855,000)
Center for Ceramics Research..................	(2,446,000)
TEX Center for Polymer Processing	(319,000)
Center for Photonics and Opto-Electronic Materials	(495,000)
Center for Surface Engineered Materials .	(270,000)
Center for Computer Aids to Industrial Productivity	(1,039,000)
TEX Center for Information Services	(238,000)
Center for Manufacturing Engineering Sciences	(450,000)
Enhanced Technology Transfer Program (ETTP)	(1,440,000)
New Jersey Corporation for Advanced Technology - (NJCAT)........................	(300,000)
Advanced Technology Centers - New Equipment - COP	(4,797,000)

The unexpended balances as of June 30, 1993 from the Science and Technology grants accounts are appropriated.

Total Appropriation, Department of Commerce and Economic Development	$20,199,000

22 DEPARTMENT OF COMMUNITY AFFAIRS

40 Community Development and Environmental Management

41 Community Development Management--Grants-In-Aid

01-8010	Housing Code Enforcement...........	$800,000
02-8020	Housing Services	6,520,000
18-8017	Uniform Fire Code.........................	8,725,000
	Total Appropriation, Community Development Management	$16,045,000

Grants:

Cooperative Housing Inspection	($800,000)
Shelter Assistance	(2,000,000)
Prevention of Homelessness P.L.1984, c.180 (C.52:27D-280 et seq.)	(4,460,000)
Neighborhood Housing Services of Trenton, Inc	(60,000)
Uniform Fire Code - Local Enforcement Agency Rebates	(8,425,000)
Uniform Fire Code - Continuing Education...	(300,000)

The amount hereinabove for the Housing Code Enforcement program classification is payable out of the fees and penalties derived from bureau activities. If these receipts are less than anticipated, the appropriation shall be reduced proportionately.

The unexpended balance as of June 30, 1993, in the Housing Code Enforcement program classification together with any receipts in excess of the amount anticipated are appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

The Commissioner shall provide the Director of the Division of Budget and Accounting, the Senate Budget and Appropriations Committee and the Assembly Appropriations Committee, or the successor committees thereto, reports on January 1, 1994 and March 1, 1994 containing written statistical and financial information on the expenditure of funds from the Shelter assistance account, specifically including the number, location and costs of beds available for occupancy and occupancy rates.

The unexpended balance as of June 30, 1993 in the Prevention of Homelessness account is appropriated.

The unexpended balance as of June 30, 1993, in the Shelter Assistance account is appropriated.

There is appropriated to the Revolving Housing Development and Demonstration Grant Fund an amount not to exceed 50% of the penalties derived from bureau activities in the Housing Code Enforcement program classification, subject to the approval of the Director of the Division of Budget and Accounting.

The amount hereinabove for the Uniform Fire Code program classification is payable out of the fees and penalties derived from inspection and enforcement activities. If these receipts are less than anticipated, the appropriation shall be reduced proportionately.

The unexpended balance as of June 30, 1993, in the Uniform Fire Code program classification together with any receipts in excess of the amount anticipated are appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

Such amounts necessary for the payment of principal of and interest on outstanding notes of the Hackensack Meadowlands Development Commission are appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of section 35 of P.L.1975, c.326 (C.13:17-10.1), sections 10 and 11 of P.L.1981, c.306 (C.13:1E-109 and 13:1E-110), section 8 of P.L.1985, c.368 (C.13:1E-176), or any rules and regulations adopted pursuant thereto, or any order issued by the Board of Regulatory Commissioners to the contrary, if the aggregate balance in the closure and post-closure escrow accounts established by the Hackensack Meadowlands Development Commission for the closure and post-closure monitoring of the sanitary landfill facilities operated by the Hackensack Meadowlands Development Commission is in excess of the amount necessary, as calculated pursuant to the financial plan for the closure and post-closure of the sanitary landfill facilities prepared by the Hackensack Meadowlands Development Commission and approved by the Department of Environmental Protection and Energy, for the proper closure and post-closure monitoring of the sanitary landfill facilities, an amount equal to the excess amount, or $3,005,000, whichever is less, shall be withdrawn from the escrow accounts by the Hackensack Meadowlands Development Commission and paid to the State Treasurer for deposit in the General Fund and the amount so deposited shall be appropriated to the Hackensack Meadowlands Development Commission for operational costs subject to the approval of the Director of the Division of Budget and Accounting.

50 Economic Planning, Development and Security
55 Social Services Programs--Grants-In-Aid

05-8050	Community Resources		$5,150,000
07-8052	Sports and Recreation		150,000
15-8051	Women's Programs		1,715,000
	Total Appropriation, Social Services Programs		$7,015,000
Grants:			
	Recreation For the Handicapped	($500,000)	
	Special Olympics	(375,000)	
	State Legal Services Office	(2,500,000)	
	Center for Hispanic Policy, Research and Development	(1,125,000)	
	Puerto Rican Action Board	(150,000)	
	Trenton Urban Gardening Program	(50,000)	
	Camden Urban Gardening Project	(50,000)	
	Grant to ASPIRA	(100,000)	
	Garden State Games	(150,000)	
	Hispanic Women's Resource Centers	(400,000)	
	Women's Referral Central	(25,000)	
	Job Training Center for Urban Women Act	(315,000)	
	Grants to Women's Shelters	(25,000)	

Grants to Displaced Homemaker Centers	(900,000)	
Excel Program For Women	(50,000)	
Paterson Interfaith Communities Organization	(100,000)	
Bayshore Senior Day Care Center	(50,000)	
Mercy Center, Asbury Park	(50,000)	
St.Joseph's Seniors' Residence, Woodbridge-Safety Systems Enhancement	(100,000)	

The unexpended balance as of June 30, 1993 in the Grant to Puerto Rican Congress of New Jersey - New Trenton Facility account is appropriated for the same purpose.

Total Appropriation, Department of Community Affairs	$23,060,000

26 DEPARTMENT OF CORRECTIONS

10 Public Safety and Criminal Justice

16 Detention and Rehabilitation

7025 System-Wide Program Support--Grants-In-Aid

13-7025 Institutional Program Support		$76,077,000
Total Appropriation, System-Wide Program Support		$76,077,000
Grants:		
Purchase of Service For Inmates Incarcerated In County Penal Facilities	($53,380,000)	
Purchase of Service For Inmates Incarcerated In Out-Of-State Facilities	(140,000)	
Facilities Use Agreements	(9,000,000)	
County Reimbursement Rate Increase	(7,100,000)	
Purchase of Community Services	(6,457,000)	

A portion of the total amount appropriated for Purchase of Service For Inmates Incarcerated In County Penal facilities is available for operational costs of additional State facilities for inmates housing which become ready for occupancy, subject to the approval of the Director of the Division of Budget and Accounting.

The unexpended balance as of June 30, 1993 in the Purchase of Service For Inmates Incarcerated In County Penal Facilities account is appropriated for the same purpose.

The Commissioner of the Department of Corrections shall renegotiate the effective date of the County Reimbursement Rate Increase to January 1, 1994.

Total Appropriation, Department of Corrections	$76,077,000

34 DEPARTMENT OF EDUCATION

30 Educational, Cultural and Intellectual Development

31 Direct Educational Services and Assistance--Grants-In-Aid

04-5062 Adult and Continuing Education	$3,704,000
Total Appropriation, Direct Educational Services and Assistance	$3,704,000

Grants:		
New Jersey Youth Corps	($3,704,000)	

34 Educational Support Services--Grants-In-Aid

30-5063 Educational Programs and Student Services		$7,905,000
Total Appropriation, Educational Support Services		$7,905,000
Grants:		
Statewide Systemic Initiative to Reform Mathematics and Science Education	($1,000,000)	
Good Starts	(6,000,000)	
Math/Science Initiative	(780,000)	
Early Childhood Learning Center	(100,000)	
Focus on Literacy	(25,000)	

The unexpended balance as of June 30, 1993 in the Good Starts program account is appropriated.

The unexpended balance as of June 30, 1993 in the Math/Science Initiative program account is appropriated.

35 Education Administration and Management--Grants-In-Aid

99-5095 Management and Administrative Services		$852,000
Total Appropriation, Education Administration and Management		$852,000
Grants:		
Governor's Teaching Scholarships	($852,000)	

37 Cultural and Intellectual Development Services--Grants-In-Aid

54-5010 Support of the Arts		$100,000
Total Appropriation, Cultural and Intellectual Development Services		$100,000
Grants:		
Arts Program for Teenagers	($100,000)	
Total Appropriation, Department of Education		$12,561,000

Of the amount appropriated hereinabove for the Department of Education, such sums as the Director of the Division of Budget and Accounting shall determine from the schedule at page L-39 in the Governor's Budget Recommendation Document dated February 9, 1993 first shall be charged to the State Lottery Fund.

46 DEPARTMENT OF HEALTH

20 Physical and Mental Health

21 Health Services--Grants-In-Aid

02-4220 Family Health Services	$8,702,000
03-4230 Epidemiology and Disease Control	1,853,000
04-4240 Alcoholism,Drug Abuse and Addiction Services	16,546,000
12-4245 AIDS Services	12,000,000
Total Appropriation, Health Services	$39,101,000

Grants:

Family Planning Services	($3,110,000)
Hemophilia Services	(621,000)
Testing For Specific Hereditary Diseases	(115,000)
Special Health Services for Handicapped Children	(2,000,000)
Chronic Renal Disease	(438,000)
Birth Defects Registry	(25,000)
Lead Poisoning Program	(395,000)
Alzheimer's Disease Program	(615,000)
Rape Prevention	(500,000)
Cleft Palate Programs	(350,000)
Newborn Screening Follow-Up and Treatment for Hemoglobins	(133,000)
SIDS Assistance Act	(150,000)
Services to Victims of Huntington's Disease	(250,000)
Tuberculosis Services	(197,000)
Treatment and Control of Drug Resistant Tuberculosis	(354,000)
AIDS Communicable Disease Control	(609,000)
Worker and Community Right to Know	(413,000)
Campus Grant Federal Match	(900,000)
Continuation of Substance Abuse Treatment Capacity	(2,601,000)
Community Drug Programs (State Share)	(7,062,000)
Vocational Adjustment Centers	(95,000)
Alcoholism Services	(1,033,000)
Compulsive Gambling	(500,000)
Parolee Rehabilitation Project	(370,000)
Medical Support Services for the Homeless	(75,000)
Inmate Residential Drug Treatment	(250,000)
Comprehensive Drug and Alcohol Treatment System	(1,850,000)
In-State Juvenile Residential Treatment Services	(1,810,000)
AIDS Grants	(12,000,000)
Pharmaceutical Services for Adults with Cystic Fibrosis	(280,000)

From the Family Planning Services account, $10,000 is transferred to the Department of Human Services, Division of Medical Assistance and Health Services for family planning services.

There is appropriated from the Alcohol Education, Rehabilitation and Enforcement Fund $570,000 to fund the Fetal Alcohol Syndrome program.

An amount not to exceed $1,830,000 is appropriated to the Department of Health from the unexpended balances of monies deposited in the "Health Care Cost Reduction Fund" established pursuant to section 25 of P.L.1991, c.187 (C.26:2H-18.47) or from the Health Care Subsidy Fund established pursuant to section 8 of P.L.1992, c.160 (C.26:2H-18.58) to fund the Infant Mortality Reduction Program.

The unexpended balance as of June 30, 1993 in the Immunization Initiative account is appropriated.

The unexpended balance as of June 30, 1993 in the New Jersey State Commission on Cancer Research account is appropriated.

The amount hereinabove for the New Jersey State Commission on Cancer Research is charged to the Cancer Research Fund pursuant to section 5 of P.L.1982, c.40 (C.54:40A-37.1).

The unexpended balance as of June 30, 1993 in the Worker and Community Right to Know account is appropriated.

The unexpended balance of appropriations, as of June 30, 1993, made to the Department of Health by section 20 of P.L.1989, c.51 for State licensed or approved drug abuse prevention and treatment programs is appropriated for the same purpose, subject to the approval of the Director of the Division of Budget and Accounting.

There is transferred from the "Drug Enforcement and Demand Reduction Fund" $2,200,000 to supplement the Community drug programs (State share) account; of this amount $1,170,000 is appropriated as the State match for the Campus Grant at the Meadowview Hospital in Hudson County.

An amount not to exceed $500,000, collected by the Casino Control Commission and transferred to the General Fund pursuant to section 145 of P.L.1977, c.110 (C.5:12-145) and the unexpended balance as of June 30, 1993 in this account is appropriated to the Department of Health to provide funds for compulsive gambling grants.

There is appropriated from the Alcohol Education, Rehabilitation and Enforcement Fund $420,000 to fund the Local Alcoholism Authorities-Expansion account.

The unexpended balance as of June 30, 1993 in the Pharmaceutical Services For Adults with Cystic Fibrosis account is appropriated.

22 Health Planning and Evaluation--Grants-In-Aid

06-4260 Health Facilities Evaluation...........		$634,000
Total Appropriation, Health Planning and Evaluation		$634,000
Grants:		
Emergency Medical Services..................	($209,000)	
Poison Control Center.............................	(425,000)	

There are appropriated from the New Jersey Emergency Medical Service Helicopter Response Program Fund established pursuant to section 2 of P.L.1992, c.87 (C.26:2K-36.1) such sums as are necessary to pay the reasonable and necessary expenses of the operation of the New Jersey Emergency Medical Service Helicopter Response Program created pursuant to P.L.1986, c.106 (C.26:2K-35 et seq.), subject to the approval of the Director of the Division of Budget and Accounting.

Total Appropriation, Department of Health	$39,735,000

50 DEPARTMENT OF HIGHER EDUCATION

30 Educational, Cultural and Intellectual Development

36 Higher Educational Services

5400 Office of the Chancellor--Grants-In-Aid

02-5400	Support to Independent Institutions	$26,788,000
03-5400	New Jersey Educational Opportunity Fund	29,412,000
04-5400	Student Financial Support Services	130,137,000
99-5400	Management and Administrative Services	32,977,000
	Total Appropriation, Office of the Chancellor	$219,314,000

Grants:

Veterinary Medicine Education Program.	($1,427,000)
Aid to Independent Colleges and Universities	(21,120,000)
Schools of Professional Nursing	(416,000)
Fairleigh Dickinson University -Special Aid	(2,400,000)
Einstein Chair For Scholarly Studies at the Institute for Advanced Study	(65,000)
Richard J. Hughes Chair for Constitutional and Public Law and Service at Seton Hall University	(65,000)
Alfred E. Driscoll Chair in Pharmaceutical/Chemical Studies, Fairleigh Dickinson University	(65,000)
Women's Studies Chair at Douglass College	(75,000)
Will and Ariel Durant Chair in the Humanities at St. Peter's College.........	(65,000)
Small Business and Entrepreneurship Chair at Rutgers..................................	(65,000)
Raoul Wallenberg Visiting Professorship in Human Rights-Rutgers University	(100,000)
Millicent Fenwick Research Professorship in Education at Monmouth College	(75,000)
Research under Contract with the Institute of Medical Research, Camden............	(850,000)
Opportunity Program Grants....................	(18,110,000)
Supplementary Education Program Grants	(10,500,000)
Martin Luther King Physician-Dentist Scholarship Act of 1986..........	(602,000)

Ferguson Law Scholarships	(200,000)
Tuition Aid Grants, P.L.1968, c.429 (C.18A:71-41 et seq.)................	(121,280,000)
Garden State Scholarships........................	(3,062,000)
Graduate Fellowships..............................	(30,000)
Public Tuition Benefits Grants.................	(65,000)
Edward J. Bloustein Distinguished Scholars Program	(4,000,000)
Urban Scholarships	(1,300,000)
Part-Time Tuition Aid Grants-EOF Students	(400,000)
Tuition Stabilization Incentive Grant.......	(26,738,000)
Marine Sciences Consortium	(565,000)
Governor's School...................................	(974,000)
Special Academic Programs: College Bound	(3,000,000)
Higher Education for Special Needs Students	(750,000)
Program for the Education of Language Minority Students................	(400,000)
Minority Academic Careers Program.......	(550,000)

An amount not to exceed $100,000 in the Aid to Independent Colleges and Universities account is available for administrative expenses.

For the purpose of implementing the "Independent College and University Assistance Act," P.L.1979, c.132 (C.18A:72B-15 et seq.), the number of full-time equivalent students (FTE) at eight State Colleges is 45,400 for Fiscal Year 1993.

The sums provided hereinabove for Research under Contract with the Institute of Medical Research, Camden (Coriell Institute) shall be expended on support for research activities, and that the Institute shall submit an annual audited financial statement to the Department of Higher Education which shall include a schedule showing the use of these funds.

The sums provided hereinabove and the unexpended balances as of June 30, 1993 in the New Jersey Educational Opportunity Fund and Student Financial Support Services are appropriated and available for payment of liabilities applicable to prior fiscal years.

From the appropriation hereinabove for Tuition Stabilization Incentive Grants, $10,428,000 shall be allocated to the county colleges.

A public higher education institution other than the county colleges shall be eligible for Tuition Stabilization Incentive Grant funds only if its tuition increase for the 1993-1994 school year does not exceed 5.5%. A county college shall be eligible for Tuition Stabilization Incentive Grant funds only if its tuition increase for the 1993-1994 school year does not exceed 5%. If the tuition increase exceeds 5.5% at any public institution, other than a county college, or 5% at a county college, that institution shall provide all TAG recipients with institutional grants equivalent to the full additional tuition amount. Prior to the disbursement of funds, the Chancellor of Higher Education shall submit a plan to the Director of the Division of Budget and Accounting which allocates the Tuition Stabilization Incentive Grant funds to the eligible institutions.

An amount not to exceed five percent of the total of the Special Academic Programs accounts is available for the administrative expenses of these programs.

Total Appropriation, Department of Higher Education	$219,314,000

Of the amount appropriated hereinabove for the Department of Higher Education, such sums as the Director of the Division of Budget and Accounting shall determine from the schedule at page L-39 in the Governor's Budget Recommendation Document dated February 9, 1993 first shall be charged to the State Lottery Fund.

54 DEPARTMENT OF HUMAN SERVICES

20 Physical and Mental Health

23 Mental Health Services

7700 Division of Mental Health and Hospitals--Grants-In-Aid

08-7700 Community Services		$131,083,000
Total Appropriation, Division of Mental Health and Hospitals		$131,083,000
Grants:		
Expansion of Children's Services Joint Initiative MHH/DYFS	($2,061,000)	
450 Census Reduction Plan	(9,407,000)	
Community Care	(98,389,000)	
Community Mental Health Center--University of Medicine and Dentistry--Newark	(5,922,000)	
Community Mental Health Center--University of Medicine and Dentistry--Rutgers	(11,082,000)	
Cost of Living Adjustment--Deferred Cost--Community Services	(2,114,000)	
Cost of Living Adjustment--Community Services	(2,108,000)	

Federal and other funds received for the operation of community mental health centers at the New Jersey Medical School and Rutgers Medical School shall be available to the University of Medicine and Dentistry of New Jersey for the operation of the centers.

24 Special Health Services
7540 Division of Medical Assistance and Health Services
Grants-In-Aid

22-7540 General Medical Services		$1,877,125,000
24-7540 Pharmaceutical Assistance to the Aged and Disabled		57,642,000
Total Appropriation, Division of Medical Assistance and Health Services		$1,934,767,000
Grants:		
Garden State Health Plan	($27,813,000)	
Hospital Health Care Subsidy	(71,550,000)	
Community Care Programs for Elderly and Disabled	(4,000,000)	
Payments for Medical Assistance Recipients - Nursing Homes	(556,208,000)	
Payments for Medical Assistance Recipients - Inpatient Hospital.	(427,773,000)	
Payments for Medical Assistance Recipients - Prescription Drugs	(132,798,000)	
Payments for Medical Assistance Recipients - Outpatient Hospital..........	(213,465,000)	
Payments for Medical Assistance Recipients - Physician	(56,193,000)	
Payments for Medical Assistance Recipients - Home Health..................	(40,559,000)	
Payments for Medical Assistance Recipients - Medicare B Payments	(27,566,000)	
Payments for Medical Assistance Recipients - Dental	(18,325,000)	
Payments for Medical Assistance Recipients - County PsychiatricHospitals................	(6,193,000)	
Payments for Medical Assistance Recipients - Medical Supplies	(14,719,000)	
Payments for Medical Assistance Recipients - Clinic	(18,726,000)	
Payments for Medical Assistance Recipients - Transportation	(17,674,000)	
Payments for Medical Assistance Recipients - Other Services	(33,049,000)	
Automated Pharmaceutical Services	(7,315,000)	
Pharmacare..	(1,895,000)	
Maternal & Child Health Expansion	(25,594,000)	
Medicaid Expansion to Age 19 and 100% of Poverty	(2,816,000)	
Medicaid expansion--SOBRA..................	(173,724,000)	
Pharmaceutical Assistance to the Aged--Claims	(57,642,000)	
Less:		
Enhanced audit recoveries	*(830,000)*	

All funds recovered pursuant to P.L.1968, c.413 (C.30:4D-1 et seq.) and P.L.1975, c.194 (C.30:4D-20 et seq.) during the fiscal year ending June 30, 1994 are appropriated for payments to providers in the same program class from which the recovery originated.

The amounts hereinabove appropriated for Payments for Medical Assistance Recipients are available for the payment of obligations applicable to prior fiscal years.

Reimbursements for services provided for recipients of other jurisdictions, as established by interstate agreements, which represent the State share of Medical Assistance are appropriated to the Division of Medical Assistance and Health Services for the purpose of making further payments of Medical Assistance.

The State appropriation is based on a federal financial participation rate of 48.91%; provided however, that if the federal financial participation rate exceeds this percentage, there will be placed in reserve a portion of the State appropriation equal to the amount of additional federal funds, subject to the approval of the Director of the Division of Budget and Accounting.

An amount not to exceed $70,000 is appropriated from enhanced audit recoveries obtained by the Division of Medical Assistance and Health Services to fund the costs of enhanced audit recovery efforts of the division within the General Medical Services program classification subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of P.L.1962, c.222 (C.44:7-76 et seq.), the Medical Assistance to the Aged program is eliminated; provided however, that necessary medical services shall be available to those enrolled in the program as of June 30, 1982, until such time that those persons no longer require medical care or are eligible for alternative programs.

In order to permit flexibility in the handling of appropriations and ensure the timely payment of claims to providers of medical services, amounts may be transferred to and from the various items of appropriation within the General Medical Services program classification subject to the approval of the Director of the Division of Budget and Accounting. Notice thereof shall be provided to the Legislative Budget and Finance Officer on the effective date of the approved transfer. This provision shall apply to all payments made after June 30, 1990.

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For the purposes of account balance maintenance, all object accounts in the General Medical Services program classification shall be considered as one object. This will allow timely payment of claims to providers of medical services but ensure that no overspending will occur in the program classification. This provision shall apply to all payments made after June 30, 1990.

Rebates from pharmaceutical manufacturing companies during the fiscal year ending June 30, 1994, for prescription expenditures made to providers on behalf of Medicaid clients are appropriated for the program Payments for Medical Assistance - Prescription Drugs.

A revolving fund is continued within the Division of Medical Assistance and Health Services for the operation of the Garden State Health Plan and notwithstanding any provision herein all appropriations and receipts of federal and other non-State funds related to the operation of the plan shall be deposited into the fund and shall be allotted subject to the approval of the Director of the Division of Budget and Accounting.

The amounts hereinabove appropriated for payments for Pharmaceutical Assistance to the Aged, P.L.1975, c.194 (C.30:4D-20 et seq.), are available for the payment of obligations applicable to prior fiscal years.

Benefits provided under the Pharmaceutical Assistance to the Aged and Disabled (PAAD) program, P.L.1975, c.194 (C.30:4D-20 et seq.) shall be the last resource benefits, notwithstanding any provisions contained in contracts, wills, agreements or other instruments. Any provision in a contract of insurance, will, trust agreement or other instrument which reduces or excludes coverage or payment to an individual because of that individual's eligibility for or receipt of PAAD benefits shall be void, and no PAAD payments shall be made as a result of any such provision.

Notwithstanding the provisions of P.L.1975, c.194 (C.30:4D-22) to the contrary, the copayment in the "Pharmaceutical Assistance to the Aged and Disabled" program shall be $5.00. This copayment is effective on all prescriptions filled on or after July 1, 1992.

Notwithstanding the provisions of any law to the contrary, rebates from pharmaceutical manufacturing companies for prescriptions purchased by the Pharmaceutical Assistance to the Aged and Disabled program shall continue throughout Fiscal Year 1994. All revenues from such rebates during the fiscal year ending June 30, 1994, are appropriated for the Pharmaceutical Assistance to the Aged and Disabled programs.

Notwithstanding the provisions of any law to the contrary and subject to federal approval, long term care facility rates shall be determined based on a single Statewide salary region, effective July 1, 1993. Rates shall be adjusted retroactive to July 1, 1993 to reflect the change in rate setting methodology. However, any facility which would lose reimbursement as a result of implementation of a single Statewide salary region shall have its loss limited to a maximum of $55,000. Ths limitation is subject to federal approval and shall be implemented by prospectively adjusting the amount of reimbursement to which a facility is entitled.

Notwithstanding the provisions of P.L.1993, c.97, a participating manufacturer who does not enter into a rebate agreement by June 30, 1993 shall only be eligible to continue participation in the Pharmaceutical Assistance to the Aged and Disabled (PAAD) program through July 30, 1993. Effective July 31, 1993, drug products produced and marketed by such manufacturers shall no longer be eligible for reimbursement through the PAAD program.

30 Educational, Cultural and Intellectual Development

32 Operation and Support of Educational Institutions

7601 Community Programs--Grants-In-Aid

01-7601 Purchased Residential Care		$181,230,000
02-7601 Social Supervision and Consultation		20,818,000
03-7601 Adult Activities		66,581,000
04-7601 Education and Day Training		11,506,000
Total State and Federal Appropriation.....		$280,135,000
Less:		
Casino Revenue Fund - Grants-in-Aid		
Purchased Residential Care....................	*($14,905,000)*	
Social Supervision and Consultation	*(1,657,000)*	
Adult Activities..	*(7,374,000)*	
Education and Day Training...................	*(551,000)*	
Total Casino Revenue Fund - Grants-in-Aid		*($24,487,000)*
Less:		
Federal Funds		
Purchased Residential Care....................	*($66,114,000)*	
Social Supervision and Consultation	*(3,345,000)*	
Adult Activities..	*(29,955,000)*	
Total Federal Funds		*($99,414,000)*
All Other Funds		
Purchased Residential Care....................	*($3,820,000)*	
Education and Day Training...................	*(1,782,000)*	
Total All Other Funds		*($5,602,000)*
Total Appropriation, Community Programs		$150,632,000

Grants:	
Purchased Residential Care	($2,820,000)
Dental Program for Non-Institutionalized Developmentally Disabled and Handicapped Children	(864,000)
Private Institutional Care	(46,276,000)
Skill Development Homes	(6,173,000)
Group Homes	(123,619,000)
Family Care	(1,478,000)
Developmental Disabilities Council	(1,192,000)
Home Assistance	(14,410,000)
Social Services	(2,719,000)
Family support/Respite Expansion	(2,000,000)
Case Management	(497,000)
Purchase of Adult Activity Services	(66,581,000)
Purchase of Day Training Services	(3,992,000)
Cost of Living Adjustment--Deferred Cost--Community Programs	(3,538,000)
Cost of Living Adjustment--Community Programs	(3,976,000)
Less:	
Casino Revenue Fund - Grants-in-Aid	*(24,487,000)*
Federal Funds	*(99,414,000)*
All Other Funds	*(5,602,000)*

The Division of Developmental Disabilities is authorized to transfer funds from the Dental Program for Non-Institutionalized Developmentally Disabled and Handicapped Children account to the Division of Medical Assistance, in proportion to the number of program participants who are Medicaid eligible.

Excess State funds realized by federal involvement through Medicaid in the Dental Program for Non-Institutionalized Developmentally Disabled and Handicapped Children are committed for the program's support during the subsequent fiscal year, rather than for expansion.

Group home maintenance recoveries during the fiscal year ending June 30, 1994, not to exceed $3,500,000, are appropriated.

There is allocated from the Purchase of Adult Activity Services account $310,000.00 for the purposes of providing special needs adult day services to eligible Division of Developmental Disabilities clients who live at home and are in need of additional support services due to their behavioral or medical characteristics in an adult day program setting. This service shall be administered and operated by the Arc of Union County, Inc. and shall serve adults with special needs through the expansion of its existing adult day program system in Union County.

Amounts required to return persons with mental retardation or developmental disabilities presently residing in out-of-State institutions to group homes within the State may be transferred from the Private Institutional Care account to the Group Homes account, subject to the approval of the Director of the Division of Budget and Accounting.

Amounts that become available as a result of the return of persons from private institutional care placements, including in-State and out-of-State placements, shall be available for transfer to community and community support programs, subject to the approval of the Director of the Division of Budget and Accounting.

33 Supplemental Education and Training Programs

7560 Commission for the Blind and Visually Impaired--Grants-In-Aid

11-7560 Habilitation and Rehabilitation		$2,376,000
12-7560 Instruction, Community Programs and Prevention		2,170,000
Total Appropriation, Commission for the Blind and Visually Impaired		$4,546,000
Grants:		
Services to Rehabilitation Clients	($1,948,000)	
State Use Law and Private Industry Marketing Program by Rehabilitation Facilities ...	(292,000)	
Cost of Living Adjustment-- Habilitation and Rehabilitation............	(69,000)	
Deferred Cost of Living Adjustment-- Habilitation and Rehabilitation............	(67,000)	
Psychological Counseling Services..........	(141,000)	
Educational Services For Children...........	(2,029,000)	

50 Economic Planning, Development and Security

53 Economic Assistance and Security

7540 Division of Medical Assistance and Health Services Grants-In-Aid

28-7540 Lifeline Programs.........................		$36,722,000
Total Appropriation, Division of Medical Assistance and Health Services...........		$36,722,000
Grants:		
Payments for Tenants Assistance Rebates	($36,722,000)	

7550 Division of Family Development--Grants-In-Aid

15-7550 Income Maintenance Management		$55,129,000
Total Appropriation, Division of Family Development		$55,129,000
Grants:		
Food Stamp Employment - Transportation	($105,000)	
Social Services for the Homeless............	(7,186,000)	
Cost of Living Adjustment.......................	(353,000)	
Deferred Cost of Living...........................	(201,000)	

Job Opportunities and Basic Skills Training Program	(12,609,000)
Family Development Program	(34,265,000)
Mini Child Care Center Project Grants	(300,000)
Community Law Health Project	(110,000)

The commissioner shall provide the Director of the Division of Budget and Accounting, the Senate Budget and Appropriations Committee and the Assembly Appropriations Committee, or the successor committees thereto, with quarterly reports, due within 60 days after the end of each quarter, containing written statistical and financial information on the Job Opportunities and Basic Skills Training (JOBS) program and the Family Development Program (FDP). The reports shall, at a minimum, include the following: the number of cases participating in the programs and the number of cases which are exempt from the programs, the type of services provided to program participants and the cost of such services, the number of case managers employed by the programs, their associated costs and any other administrative costs incurred by the programs, the number of participants who have obtained employment, the average hourly wage and benefits provided by the employer and the length of time participants remain employed.

Notwithstanding any State law to the contrary, for those counties not participating in FDP, client participation in the JOBS program should be consistent with the federal JOBS program; specifically, in priority order, 1) federally mandated individuals who satisfy federal JOBS target population definitions and volunteers in target populations; 2) mandatory JOBSparticipants not meeting target group definitions; and 3) JOBS volunteers not in the target populations. Further, except for REACH participants enrolled in an education directed activity as of July 1, 1991, the JOBS program will only serve AFDC families in which the youngest child is at least three years of age.

55 Social Services Programs

7570 Division of Youth and Family Services--Grants-In-Aid

16-7570	Initial Response/Case Management		$4,575,000
17-7570	Substitute Care		131,817,000
18-7570	General Social Services		151,134,000
99-7570	Management and Administrative Services		1,534,000
	Total State and Federal Appropriation		$289,060,000
Less:			
	Casino Revenue Fund - Grants-in-Aid		
	General Social Services	*($5,152,000)*	
	Total Casino Revenue Fund - Grants-in-Aid		*($5,152,000)*

Federal Funds		
Initial Response/Case Management	*($4,575,000)*	
Substitute Care	*(21,728,000)*	
General Social Services	*(42,867,000)*	
Management and Administrative Services	*(1,534,000)*	
Total Federal Funds		*($70,704,000)*
Total Appropriation, Division of Youth and Family Services		$213,204,000
Grants:		
Initial Response/Case Management	($1,369,000)	
Restricted Grants	(3,206,000)	
Substitute Care	(1,271,000)	
Other Residential Placements	(10,706,000)	
Medically Fragile/Nursing Services Expansion	(605,000)	
Residential/Group Home Placements	(50,754,000)	
Foster Care	(29,689,000)	
Subsidized Adoption	(24,093,000)	
Special Home Services Providers	(6,067,000)	
Cost of Living Adjustment--Substitute Care	(2,618,000)	
Deferred Cost of Living Adjustment--Substitute Care	(2,540,000)	
Domestic Violence Program	(3,474,000)	
Title IV-A Emergency Assistance to Families	(3,000,000)	
Child Assault Prevention Project	(999,000)	
Purchase of Day Care Services	(49,571,000)	
Purchase of Social Services	(30,995,000)	
Public Awareness for Child Abuse Prevention Programs	(222,000)	
Cost of Living Adjustment--General Social Services	(1,209,000)	
Deferred Cost of Living Adjustment--General Social Services	(1,187,000)	
Child Care Center Equipment and Renovation Fund	(111,000)	
Family Support Services	(32,328,000)	
Child Abuse Prevention	(9,178,000)	
State Legalization Impact Assistance Grant	(1,502,000)	
Protective Services for the Elderly and Disabled	(1,718,000)	
Office of Refugee Resettlement - Social Services	(3,877,000)	
County Human Services Advisory Boards--Formula Funding	(9,146,000)	
Fisherman's Mark for Child Care and Support Services	(126,000)	
Personal Attendant Program	(5,765,000)	
Pediatric AIDS Grant Project	(400,000)	
Children's Justice Act	(388,000)	

National Center for Child Abuse and Neglect	(536,000)
Child Abuse and Neglect State Grant - Disabled Infants..................................	(210,000)
Regional Child Abuse Treatment Centers	(200,000)
Less:	
Casino Revenue Fund - Grants-in-Aid.....	*(5,152,000)*
Federal Funds...	*(70,704,000)*

Any change by the Department of Human Services in the rates paid for the foster care and adoption subsidy programs shall first be approved by the Director of the Division of Budget and Accounting.

Of the amount hereinabove appropriated for Foster Care and Subsidized Adoption, the Division of Youth and Family Services may expend up to $225,000 for recruitment of foster and adoptive families; provided however, that a plan for recruitment and training first shall be approved by the Director of the Division of Budget and Accounting.

The sums hereinabove for the Residential/Group Home Placements, Foster Care, Subsidized Adoption, and Family Support Services accounts are available for the payment of obligations applicable to prior fiscal years.

The amount appropriated for Special Home Services Providers may be used as the State match for costs associated with any Medicaid waiver obtained by the Division of Medical Assistance and Health Services for this program. Upon receipt of such waiver and the receipt of federal Medicaid reimbursement, the Director of the Division of Budget and Accounting shall reduce the State appropriation for this program by the amount of such reimbursement and notify the Legislative Budget and Finance Officer of this action and the amount by which the State appropriation is being reduced.

Receipts in the Marriage License Fee Fund in excess of the amount anticipated are appropriated.

Of the amount hereinabove appropriated for the Domestic Violence Program account, $1,409,000 is payable out of the Marriage License Fee Fund. If receipts to that fund are less than anticipated, the appropriation shall be reduced proportionately.

Expenditures in Fiscal Year 1994 for Family Preservation Services shall not be less than expenditures for that purpose in Fiscal Year 1993.

The Department of Human Services shall provide a list of the County Human Service Advisory Boards contracts to the Director of the Division of Budget and Accounting on or before September 30, 1993. The listing shall segregate out the administrative costs of such contracts.

Funds recovered under P.L.1951, c.138 (C.30:4C-1 et seq.) during the fiscal year ending June 30, 1994, are appropriated.

Amounts required to return persons presently residing in out-of-State institutions to community programs within the State may be transferred from the Residential/Group Home Placements account to the appropriate Substitute Care or General Social Services account subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provision of any law to the contrary, amounts that become available as a result of the return of persons from in-State and out-of-State residential placements to community programs within the State are transferred from the Residential Group Home Placements account to the appropriate Substitute Care or General Social Services account, subject to the approval of the Director of the Division of Budget and Accounting.

Receipts from counties for persons under the care and supervision of the Division of Youth and Family Services are appropriated for the purpose of providing State aid to the counties, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of P.L.1987, c.370 (C.26:2-148 et seq.), $441,000 is allocated from the Catastrophic Illness in Children Relief Fund to fund the Family Day Care Provider Registration Act.

7580 Division of the Deaf and Hard of Hearing--Grants-In-Aid

23-7580 Services for the Deaf		$52,000
Total Appropriation, Division of the Deaf and Hard of Hearing		$52,000
Grants:		
Telecommunication Devices for the Indigent Deaf......................................	($52,000)	

56 Juvenile Services

7593 Juvenile Community Programs--Grants-In-Aid

34-7593 Juvenile Rehabilitation		$1,400,000
Total Appropriation, Juvenile Community Programs		$1,400,000
Grants:		
Alternatives to Juvenile Incarceration Programs	($1,400,000)	

70 Government Direction, Management and Control
76 Management and Administration
7500 Division of Management and Budget--Grants-In-Aid

87-7500 Research, Policy and Planning		$9,004,000
Total Appropriation, Division of Management and Budget		$9,004,000
Grants:		
School Based Youth Services Program	($7,034,000)	
Office of Prevention of Mental Retardation and Developmental Disabilities	(642,000)	
Minority Male Initiative	(228,000)	
Children and Families Initiative	(1,100,000)	
Total Appropriation, Department of Human Services		$2,536,539,000

62 DEPARTMENT OF LABOR
50 Economic Planning, Development and Security
54 Manpower and Employment Services--Grants-In-Aid

07-4535 Vocational Rehabilitation Services		$15,056,000
10-4545 Employment Development Services		2,500,000
Total Appropriation, Manpower and Employment Services		$17,556,000
Grants:		
Services to Clients (State share)	($3,458,000)	
Supported Employment Services	(450,000)	
Sheltered Workshop Support	(9,924,000)	
Sheltered Workshop Employment Placement Incentive Program	(250,000)	
Sheltered Workshop Transportation-CRF	(300,000)	
Fair Lawn School for the Deaf	(170,000)	
Independent Living Centers	(500,000)	
Training (State share)	(4,000)	
New Jersey Summer Challenge Program .	(2,500,000)	

The sum hereinabove for the Vocational Rehabilitation Services program classification is available for the payment of obligations applicable to prior fiscal years.

Of the amount hereinabove for the Vocational Rehabilitation Services program classification, an amount not to exceed $4,869,000 is appropriated from the Unemployment Compensation Auxiliary Fund.

Total Appropriation, Department of Labor	$17,556,000

66 DEPARTMENT OF LAW AND PUBLIC SAFETY
10 Public Safety and Criminal Justice
12 Law Enforcement--Grants-In-Aid

08-1200 Emergency Services		$265,000
Total Appropriation, Law Enforcement--Grants-In-Aid		$265,000
Special Purpose:		
Nuclear Emergency Response Program ...	($265,000)	
Total Appropriation, Department of Law and Public Safety		$265,000

67 DEPARTMENT OF MILITARY AND VETERANS' AFFAIRS

10 Public Safety and Criminal Justice

14 Military Services

3620 New Jersey National Guard Programs Support Services--Grants-In-Aid

40-3620 New Jersey National Guard Programs Support Services		$25,000
Total Appropriation, New Jersey National Guard Support Services Programs.................		$25,000
Grant:		
Civil Air Patrol	($25,000)	

80 Special Government Services

83 Services to Veterans

3610 Veterans' Programs Support--Grants-In-Aid

50-3610 Veterans' Outreach and Assistance		$1,120,000
Total Appropriation, Veterans' Programs Support		$1,120,000
Grants:		
Veterans' Tuition Credit Program	($54,000)	
POW/MIA Tuition Assistance	(17,000)	
Vietnam Veterans' Tuition Aid	(32,000)	
Veterans Transportation..........................	(325,000)	
Veterans' Orphans' Fund--Education Grants	(9,000)	
Blind Veterans' Allowances	(46,000)	
Paraplegic and Hemiplegic Veterans' Allowances	(237,000)	
Post-Traumatic Stress Disorder...............	(400,000)	

The sums provided hereinabove and the unexpended balances as of June 30, 1993 in the Veterans' Tuition Credit, MIA-POW Tuition Assistance and the Vietnam Veterans' Tuition Aid accounts are appropriated and available for payment of liabilities applicable to prior fiscal years.

Total Appropriation, Department of Military and Veterans' Affairs	$1,145,000

74 DEPARTMENT OF STATE

30 Educational, Cultural and Intellectual Development

37 Cultural and Intellectual Development Services - Grants-In-Aid

05-2530 Support of the Arts		$10,675,000
07-2540 Development of Historical Resources		225,000
Total Appropriation, Cultural and Intellectual Development Services.......................		$10,900,000
Grants:		
Cultural Projects	($9,675,000)	
Cultural Projects-Contingency Funds	(500,000)	
Grants in New Jersey History	(210,000)	
Grants in Afro-American History	(15,000)	
Opera Music-Theatre International	(500,000)	

The State Council on the Arts may require of recipient groups, and in the case of those receiving over $100,000 shall require, that those groups must demonstrate a Statewide benefit as a result of the grants.

The amount hereinabove for Cultural Projects Contingency Funds shall be available, pursuant to applications made to the State Council on the Arts, to those artists and organizations that are not awarded funding from the Fiscal Year 1994 cultural projects appropriation account, that meet criteria for receiving operating subsidies established by the State Council on the Arts, provided the council takes into consideration the threatened financial condition impairing the continuing operation of each applicant artist or organization.

Of the amount hereinabove for Cultural Projects, an amount not to exceed $75,000 may be used for administrative purposes, subject to the approval of the Director of the Division of Budget and Accounting.

Of the amount hereinabove for Cultural Projects, an amount not to exceed $125,000 may be used for the audit of cultural projects, subject to the approval of the Director of the Division of Budget and Accounting.

A sum, not to exceed $200,000, is appropriated from the "Cultural Centers and Historic Preservation Fund," established pursuant to section 20 of P.L.1987, c.265, for costs attributable to planning and administering the cultural center development of State grants, subject to the approval of the Director of the Division of Budget and Accounting.

Total Appropriation, Department of State	$10,900,000

78 DEPARTMENT OF TRANSPORTATION

60 Transportation Programs

62 Public Transportation--Grants-In-Aid

04-6050 New Jersey Transit Corporation-Operations		
Bus Operations..		$285,700,000
Rail Operations..		294,700,000
Corporate Operations..............................		145,300,000
Americans with Disabilities Act Service		4,500,000
Purchased Transportation........................		43,500,000
Total All Operations...........................		$773,700,000
Less:		
Federal Operating Assistance.................	*($38,000,000)*	
Farebox Revenue....................................	*(344,000,000)*	

Other Resources	*(143,200,000)*	
Total Income Deductions		*($525,200,000)*
Total Appropriation, Public Transportation		$248,500,000
Personal Services:		
Salaries and Wages	($471,000,000)	
Materials and Supplies	(120,400,000)	
Services Other Than Personal	(45,900,000)	
Special Purpose:		
Leases and Rentals	(1,400,000)	
Purchased Transportation	(43,500,000)	
Insurance and Claims	(30,000,000)	
Tolls, Taxes and Operating Expenses	(57,000,000)	
Americans with Disabilities Act Service Initiatives	(4,500,000)	
Less:		
Federal Operating Assistance	*($38,000,000)*	
Farebox Revenue	*(344,000,000)*	
Other Resources	*(143,200,000)*	

Notwithstanding any other provision of law, from the amount appropriated hereinabove for New Jersey Transit Corporation-Operations, such sums as are necessary are allocated to ensure that the Avenel station shall not be closed.

64 Planning and General Management Support--Grants-In-Aid

05-6070 Access and Use Management		$800,000
Total Appropriation, Planning and General Management Support		$800,000
Grants:		
Airport Safety Fund	($700,000)	
New Jersey Citizens for Environmental Research-Aircraft Noise Abatement Study	(100,000)	

The unexpended balance as of June 30, 1993 in the Airport Safety Fund account together with any receipts in excess of the amount anticipated are appropriated.

The amount hereinabove for the Airport Safety Fund is payable out of the "Airport Safety Fund" established pursuant to section 4 of P.L.1983, c.264 (C.6:1-92). If receipts to that fund are less than anticipated, the appropriation shall be reduced proportionately.

Total Appropriation, Department of Transportation	$249,300,000

98 THE JUDICIARY

10 Public Safety and Criminal Justice

15 Judicial Services--Grants-In-aid

03-9720 Civil Courts	$720,000
04-9725 Criminal Courts	1,696,000
05-9730 Family Courts	605,000
Total Appropriation, Judicial Services	$3,021,000

Grants:		
Alternative Dispute Resolution	($720,000)	
Speedy Trial Program, Case Processing Improvement	(1,200,000)	
Public Defender Eligibility Review	(496,000)	
Family Crisis Intervention	(225,000)	
Child Placement Review Boards	(380,000)	

The unexpended balance as of June 30, 1993 in these respective accounts is appropriated.

Receipts from charges to the Grant-In-Aid accounts listed hereinabove are appropriated for services provided to these funds.

Total Appropriation, Judiciary	$3,021,000
Total Appropriation, Grants-In-Aid	$3,216,504,000

STATE AID

20 DEPARTMENT OF COMMERCE AND ECONOMIC DEVELOPMENT

50 Economic Planning, Development and Security

51 Economic Planning and Development--State Aid

20-2800 Economic Development		$5,502,000
Total Appropriation, Economic Planning and Development		$5,502,000
State Aid:		
Property Tax Reserve Fund Requirements, Section 20 of P.L.1968, c.60 (C.12:11A-20)	($1,850,000)	
Debt Service Reserve Fund Requirements, Section 14 of P.L.1968, c.60 (C.12:11A-14)	(3,652,000)	

There are appropriated such additional sums as may be certified to the Governor by the South Jersey Port Corporation as necessary to meet the requirements of the "South Jersey Port Corporation Reserve Fund" under section 14 of P.L.1968, c.60 (C.12:11A-14) and the "South Jersey Port Corporation Tax Reserve Fund" under section 20 of P.L.1968, c.60 (C.12:11A-20), the expenditure of which shall be subject to the approval of the Director of the Division of Budget and Accounting.

Total Appropriation, Department of Commerce and Economic Development	$5,502,000

22 DEPARTMENT OF COMMUNITY AFFAIRS

40 Community Development and Environmental Management

41 Community Development Management--State Aid

02-8020 Housing Services	$17,275,000
04-8030 Local Government Services	265,126,000

06-8015 Uniform Construction Code		46,000
Total Appropriation, Community Development Management		$282,447,000
State Aid:		
Relocation Assistance	($600,000)	
Neighborhood Preservation (P.L.1975, c.248 and c.249)	(2,750,000)	
Neighborhood Preservation - Fair Housing (P.L.1985, c.222)	(13,925,000)	
Municipal Aid pursuant to P.L.1978, c.14 (C.52:27D-178 et seq.)	(40,418,000)	
Safe and Clean Neighborhoods	(25,890,000)	
Safe and Clean: Expanded Police Services	(25,000,000)	
Supplementary Aid For Fire Services (P.L.1985, c.295)	(8,000,000)	
Municipal Revitalization Program	(165,000,000)	
Aid to Depressed Rural Centers	(518,000)	
Payment to Urban Centers - Raze Vacant Buildings	(250,000)	
Municipal Memberships in Building Codes Association	(46,000)	
High Bridge Boro-Subsidence Precaution	(50,000)	

Of the sum hereinabove for Neighborhood Preservation, a sum not to exceed $300,000 may be used for administration of the program and technical assistance, and up to $300,000 for matching on a 50/50 basis for the administrative costs of the Federal Small Cities block grant.

The unexpended balance as of June 30, 1993 in the Neighborhood Preservation-Fair Housing account is appropriated.

The unexpended balance as of June 30, 1993, in the Relocation Assistance account is appropriated.

Any receipts in excess of the amount anticipated in the Neighborhood Preservation-Fair housing account are appropriated.

The amount hereinabove for Neighborhood Preservation-Fair Housing is payable from the receipts of the portion of the realty transfer tax directed to be credited to the Neighborhood Preservation Nonlapsing Revolving Fund pursuant to section 4 of P.L.1968, c.49 (C.46:15-8) and from the receipts of the portion of the realty transfer tax directed to be credited to the Neighborhood Preservation Nonlapsing Revolving Fund pursuant to section 4 of P.L.1975, c.176 (C.46:15-10.1). If the receipts are less than anticipated, the appropriation shall be reduced proportionately.

Of the amount hereinabove for Neighborhood Preservation-Fair Housing, an amount not to exceed $1,000,000 may be used to provide technical assistance grants to nonprofit organizations for creating affordable housing opportunities.

Notwithstanding any law to the contrary, funds appropriated for Neighborhood Preservation-Fair Housing may be provided directly to the housing project being assisted; provided, however, that any such project have the support by resolution of the governing body of the municipality in which it is located.

Notwithstanding the provisions of P.L.1979, c.118 (C.52:27D-118.1 et seq.), $4,500,000 of the amount hereinabove for Safe and Clean Neighborhoods is allocated equally to each municipality whose population is in excess of 75,000 which received such aid in calendar year 1985; provided further, however, that each recipient municipality match its allocation with an equal amount; and provided further, however, that any increase in assistance to any town be used for law enforcement.

Notwithstanding any provision of P.L.1976, c.68 (C.40A:4-45.1 et seq.), P.L.1979, c.118 (C.52:27D-118.1 et seq.), P.L.1985, c.170 (C.52:27D-118.11 et seq.), or P.L.1985, c.295 (C.52:27D-118.17 et seq.) to the contrary, the Director of the Division of Local Government Services may be authorized, upon receipt of any required documentation and certification, to accept the adopted annual budget of the local unit as a contract for the Safe and Clean Neighborhoods, Safe and Clean: Expanded Police Services or Supplementary Aid for Fire Services programs; and that for local Fiscal Year 1994, the director may further be authorized to permit for each of these programs an amount equal to the full cost of employing additional uniformed police officers or firefighters hired under the programs, not to exceed the number employed under each program in 1990, less the amount of the State grant, as a local match in exception to spending limitations pursuant to section 3 of P.L.1976, c.68 (C.40A:4-45.3); provided that if the director finds, pursuant to a certification by the local unit's chief financial officer attesting to compliance with the terms and conditions of the grant, or a review conducted by the local unit's auditor as part of the annual audit of the local unit's finances, that the local unit did not comply with the terms and conditions of the grant, the director may require a return of grant funds.

Notwithstanding any provision of P.L.1985, c.170 (C.52:27D-118.11 et seq.), or P.L.1985, c.295 (C.52:27D-118.17 et seq.) to the contrary, if a local unit in program year 1993 or 1994 is unable to meet the requirements for maintenance of minimum staffing, the Director of the Division of Local Government Services may, for good cause, waive that requirement and convert the entitlement to a discretionary grant pursuant to the provisions of section 2 of P.L.1985, c.170 (C.52:27D-118.12), or section 3 of P.L.1985, c.295 (C.52:27D-118.19) as appropriate.

The unexpended balance as of June 30, 1993 in the Municipal Aid account is appropriated; and further, notwithstanding the provisions of P.L.1978, c.14 (C.52:27D-178 et seq.), the Director of the Division of Local Government Services may reallocate the unexpended balance to any municipality which is determined to be experiencing fiscal distress pursuant to the provisions of P.L.1987, c.75 (C.52:27D-118.24 et seq.), whether or not the municipality is an "eligible municipality" as defined in section 3 of P.L.1987, c.75 (C.52:27D-118.26).

The sum hereinabove appropriated for the Municipal Revitalization Program may be made available, subject to the approval of the Director of the Division of Budget and Accounting, to municipalities experiencing fiscal distress as determined pursuant to P.L.1987, c.75 (C.52:27D-118.24 et seq.) whether or not a municipality is an "eligible municipality" as defined in section 3 of P.L.1987, c.75 (C.52:27D-118.26). A municipality which is eligible for assistance pursuant to this provision, but is not an "eligible municipality" as defined in section 3 of P.L.1987, c.75 (C.52:27D-118.26), may make application for assistance to the director and the board, describing the financial condition of the municipality, those circumstances which support a determination of fiscal distress pursuant to P.L.1987, c.75 (C.52:27D-118.24 et seq.) and any other information required by the director.

Of the amount appropriated for the Municipal Revitalization Program, not more than $1,000,000 may be used for administration of the program.

Any loan repayments made pursuant to P.L.1987, c.75 (C.52:27D-118.24 et seq.) are appropriated to the Municipal Revitalization Program account. The Director of the Division of Local Government Services may reallocate these funds, subject to the approval of the Director of the Division of Budget and Accounting, for additional loans and grants pursuant to the provisions of P.L.1987, c.75 (C.52:27D-118.24 et seq.).

Notwithstanding the provisions of section 4 of P.L.1977, c.260 (C.52:27D-165), the amount hereinabove for Aid to Depressed Rural Centers shall be distributed in the same amount and to the same municipalities which received such aid in Fiscal Year 1993 pursuant to the provisions of P.L.1992, c.40.

Notwithstanding the provisions of P.L.1977, c.260 (C.52:27D-162 et seq.), the amount hereinabove for Aid to Depressed Rural Centers shall be used to provide State aid under the "Depressed Rural Centers Aid Act," P.L.1977, c.260 (C.52:27D-162 et seq.).

Notwithstanding any law to the contrary, any funds appropriated as State aid and payable to any municipality in which the provisions of Article 4 of the "Local Government Supervision Act (1947)," P.L.1947, c.151 (C.52:27BB-54 et seq.) are in effect, may be pledged as a guarantee for payment of principal and interest on any bond anticipation notes issued pursuant to N.J.S.40A:2-8 and any tax anticipation notes issued pursuant to N.J.S.40A:4-64 by such municipality. Such funds, if so pledged, shall be made available by the State Treasurer upon receipt of a written notification by the Director of the Division of Local Government Services that the municipality does not have sufficient funds available for prompt payment of principal and interest on such notes, and shall be paid by the State Treasurer directly to the holders of such notes at such time and in such amounts as specified by the Director, notwithstanding that payment of such funds does not coincide with any date for payment otherwise fixed by law.

Notwithstanding any provision of law to the contrary, unallocated balances in any of the State aid appropriations made hereinabove shall be reallocated to any municipality that shall receive less Municipal Aid pursuant to P.L.1978, c.14 (C.52:27D-178 et seq.) in Fiscal Year 1994 than it received in Fiscal Year 1993, but such reallocated amount shall not exceed the difference in Fiscal Year 1993 and Fiscal Year 1994 Municipal Aid payments received by a municipality.

Notwithstanding any provisions of the "Local Budget Law," N.J.S.40A:4-1 et seq. to the contrary, the Director of the Division of Local Government Services may require any municipality which is determined to be experiencing fiscal distress pursuant to the provisions of P.L.1987, c.75 (C.52:27D-118.24 et seq.), P.L.1989, c.122 or this act, whether or not the municipality is an "eligible municipality" as defined in section 3 of P.L.1987, c.75 (C.52:27D-118.26), to anticipate and include in its annual budget any additional item or amount of revenue as the director deems to be appropriate and fiscally prudent.

Notwithstanding the provisions of P.L.1985, c.379 and any installment agreement specified by the Local Finance Board pursuant thereto, the township of North Bergen shall make annual payments of $300,000 each during calendar years 1995 and 1996 in repayment of the loan made pursuant to P.L.1985, c.379, in addition to any payments required to be made to discharge the loan pursuant to the provisions of P.L.1989, c.122, P.L.1990, c.43, P.L.1991, c.185, and P.L.1992, c.40; and provided further that in repayment of that loan the township of North Bergen shall also pay $18,000 to the State on or before December 31, 1994, which shall be considered as a payment of 6% simple interest upon the $300,000 loan principal repayment which would be otherwise due under the installment agreement for calendar year 1994.

The Director of the Division of Local Government Services in the Department of Community Affairs shall report to the Joint Budget Oversight Committee not less than twice during Fiscal Year 1994 on the status of the amounts disbursed from the appropriation hereinabove for the Municipal Revitalization Program. Such reports shall emphasize the expenditures proposed to be made by recipients of municipal revitalization assistance grants, the controls being exercised by municipalities over expenditure levels, the status of the department's audit and monitoring process and an estimate by the director of when the recipient municipalities can reasonably be expected to achieve a level of fiscal recovery that would eliminate the need for or require reduced State appropriations for this purpose. The director shall report in writing or in person, or both, at such times as requested by the Joint Budget Oversight Committee.

50 Economic Planning, Development and Security

55 Social Services Programs - State Aid

08-8060 Programs for the Aging		$2,245,000
Total Appropriation, Social Services Programs		$2,245,000
State Aid:		
County Office On Aging	($840,000)	
Older Americans Act - State Share	(1,405,000)	
Total Appropriation, Department of Community Affairs		$284,692,000

34 DEPARTMENT OF EDUCATION

30 Educational, Cultural and Intellectual Development

31 Direct Educational Services and Assistance--State Aid

01-5120	General Formula Aid	$594,658,000
02-5120	Nonpublic School Aid	69,586,000
03-5120	Miscellaneous Grants-in-Aid	7,889,000
04-5062	Adult and Continuing Education	2,448,000
07-5120	Special Education	526,000
	Total Appropriation, Direct Educational Services and Assistance	$675,107,000

State Aid:

Foundation Aid-Quality Education Act of 1990	($594,658,000)
Nonpublic Textbook Aid	(8,473,000)
Nonpublic Nutrition Aid	(439,000)
Nonpublic Handicapped Aid	(20,153,000)
Nonpublic Auxiliary Services Aid	(26,535,000)
Nonpublic Auxiliary/Handicapped Transportation Aid	(2,084,000)
Nonpublic Nursing Services Aid	(11,902,000)
Emergency Fund	(200,000)
Payments for Institutionalized Children - Unknown District of Residence	(6,705,000)
Minimum Teacher Starting Salary	(480,000)
Educational Information and Resource Center	(504,000)
Evening School For the Foreign Born	(211,000)
High School Equivalency	(1,213,000)
Adult Literacy	(1,024,000)
A. Harry Moore School	(526,000)

Of the amount hereinabove for Foundation Aid, an amount equal to the total earnings of investments of the School Fund shall first be charged to that fund.

Notwithstanding the provisions of section 6 of P.L.1990, c.52 (C.18A:7D-6), section 14 of P.L.1977, c.193 (C.18A:46-19.8) and section 9 of P.L.1977, c.192 (C.18A:46A-9), the State foundation amount for the 1993-94 school year for the purpose of computing nonpublic auxiliary services and nonpublic handicapped aid shall equal $7,232.

Notwithstanding the provisions of section 9 of P.L.1977, c.192 (C.18A:46A-9), the per pupil amount for compensatory education for the 1993-94 school year for the purpose of computing nonpublic auxiliary services aid shall equal $642.40.

Notwithstanding any other law, the amount of State aid made available to the Department of Human Services pursuant to "The State Facilities Education Act of 1979," P.L.1979, c.207 (C.18A:7B-1 et seq.) to defray the costs of educating eligible children in approved private schools under contract with the Department of Human Services shall not exceed the actual costs of the education of those children in such private schools.

Notwithstanding the provisions of section 6 of P.L.1979, c.207 (C.18A:7B-2) and section 6 of P.L.1990, c.52 (C.18A:7D-6), the State foundation amounts for the 1993-94 school year for the purpose of "The State Facilities Education Act of 1979," P.L.1979, c.207 (C.18A:7B-1 et seq.) shall equal $6,742 for foundation support and $7,232 for special education aid.

Of the amount hereinabove in the High School Equivalency and the Adult Literacy accounts, such sums as are necessary may be transferred to an applicant State department.

Notwithstanding the provisions of section 8 of P.L.1991, c.226 (C.18A:40-30), the amount appropriated hereinabove for Nonpublic Nursing Services Aid shall be made available to local school districts based upon the number of pupils enrolled in each nonpublic school on the last day prior to October 16.

Notwithstanding any law, rule or regulation to the contrary, in addition to the amounts appropriated hereinabove, there is appropriated an amount not to exceed $1,900,000 to provide for the 1993-94 school year aid to school districts which are located in whole or in part in municipalities which have populations composed of more than 45% senior citizens age 65 or older, according to the most recent federal decennial census, which aid shall equal $320 per pupil for a district with grades kindergarten through 12 and $220 per pupil for any other district.

33 Supplemental Education and Training Programs--State Aid

20-5062	General Vocational Education		$6,821,000
	Total Appropriation, Supplemental Education and Training Programs		$6,821,000
	State Aid:		
	District and Regional Vocational Education	($840,000)	
	Schools of Industrial Education	(21,000)	
	Vocational Education	(5,460,000)	
	Work-Study Program	(500,000)	

34 Educational Support Services--State Aid

30-5063	Educational Programs and Student Services	$75,000
34-5067	Equal Educational Opportunity	14,000,000
37-5120	School Nutrition	6,565,000
38-5120	Facilities Planning and School Building Aid	17,192,000
39-5095	Teachers' Pension and Annuity Assistance	9,680,000
	Total Appropriation, Educational Support Services	$47,512,000

State Aid:		
Alternative School Program for Disruptive Students	($75,000)	
Desegregation Aid	(14,000,000)	
State School Lunch Aid	(6,565,000)	
School Building Aid Debt Service	(17,192,000)	
Minimum Pension for Pre-1955 Retirees	(20,000)	
Additional Health Benefits	(9,660,000)	

The unexpended balance as of June 30, 1993 in the School Building Aid Debt Service account is appropriated for the same purpose.

37 Cultural and Intellectual Development Services--State Aid

51-5070 Library Services		$13,112,000
Total Appropriation, Cultural and Intellectual Development Services		$13,112,000
State Aid:		
Per Capita Library Aid	($7,665,000)	
Emergency Aid/Incentive Grants	(105,000)	
Library Network	(4,775,000)	
Library Development Aid	(567,000)	
Total Appropriation, Department of Education		$742,552,000

The unexpended balances as of June 30, 1993 in the State Aid accounts, not to exceed $650,000, are appropriated.

In the event that sufficient funds are not appropriated to fully fund any State aid item, the Commissioner of Education shall apportion such appropriation among the districts in proportion to the State aid each district would have been apportioned had the full amount of State aid been appropriated.

Of the amount appropriated hereinabove for the Department of Education, such sums as the Director of the Division of Budget and Accounting shall determine from the schedule at page L-39 in the Governor's Budget Recommendation Document dated February 9, 1993 first shall be charged to the State Lottery Fund.

42 DEPARTMENT OF ENVIRONMENTAL PROTECTION AND ENERGY

40 Community Development and Environmental Management

42 Natural Resource Management--State Aid

21-4895 Natural Resources Engineering		$600,000
Total Appropriation, Natural Resource Management		$600,000
State Aid:		
Dredging of Inland Waterways--State Aid to Counties and Municipalities	($600,000)	

There are appropriated from the "Shore Protection Fund" created pursuant to P.L.1992, c.148, and the "Shore Protection Fund" created pursuant to the "Shore Protection Bond Act of 1983," P.L.1983, c.356, such sums as are necessary for the costs attributable to planning and administration of the shore protection program, subject to the approval of the Director of the Division of Budget and Accounting. The amount appropriated from the "Shore Protection Bond Act of 1983" shall not exceed $500,000.

43 Science and Technical Programs--State Aid

The unexpended balances in this account as of June 30, 1993 are appropriated.

45 Environmental Regulations--State Aid

The unexpended balances in this account as of June 30, 1993 are appropriated.

46 Environmental Planning and Administration--State Aid

99-4800	Management and Administrative Services		$3,732,000
	Total Appropriation, Environmental Planning and Administration		$3,732,000
State Aid:			
	Payment of In Lieu Taxes	($875,000)	
	Administration, Planning and Development Activities of the Pinelands Commission	(2,489,000)	
	Mosquito Control, Research, Administration and Operations............	(368,000)	

Receipts derived from the rental of property acquired pursuant to P.L.1969, c.138 (C.58:21A-1 et seq.); P.L.1970, c.147 (C.58:21B-1 et seq.); P.L.1971, c.165; P.L.1974, c.102; P.L.1978, c.118; P.L.1983, c.354; and P.L.1989, c.183, and the unexpended balance as of June 30, 1993 of such receipts, not to exceed $250,000, are appropriated for payments in lieu of taxes on properties and for maintenance of properties.

47 Enforcement Policy--State Aid

08-4855	Water Pollution Control		$1,000,000
07-4850	Water Monitoring and Planning ...		100,000
	Total Appropriation, Enforcement Policy		$1,100,000
State Aid:			
	County Environmental Health Act...........	($1,000,000)	
	Lake Hopatcong Weed Control................	(100,000)	

Notwithstanding the provisions of any other law, receipts from fines and penalties in excess of those anticipated are appropriated for grants pursuant to the "County Environmental Health Act," P.L.1977, c.443 (C.26:3A2-21 et seq.) in an amount not to exceed $2,300,000 and for grants to local environmental commissions in an amount not to exceed $200,000, from the following programs: Coastal Resources, R.S.12:5-6;

Pesticides, section 10 of P.L.1971, c.176 (C.13:1F-10); Radiation, section 13 of P.L.1956, c.116 (C.26:2D-13); Water Resources, section 10 of P.L.1977, c.74 (C.58:10A-10); Solid Waste, section 9 of P.L.1970, c.39 (C.13:1E-9); and Hazardous Waste, section 9 of P.L.1970, c.39 (C.13:1E-9).

Such fees, fines and penalties, as deemed appropriate by the Commissioner of Environmental Protection and Energy, may be allocated to the Environmental Health Fund as established pursuant to subsection b. of section 11 of P.L.1977, c.443, as amended by P.L.1991, c.99 (C.26:3A2-29) for 100 percent nonmatching grants to certified local health agencies for those purposes as specified in P.L.1991, c.99, subject to the approval of the Director of the Division of Budget and Accounting.

There are appropriated from interest earnings in the Municipal Stormwater Management and Combined Sewer Overflow Abatement Assistance Fund, such sums as are necessary for costs attributable to the administration of the Operation Clean Shores Program and the Cooperative Coastal Monitoring Program, subject to the approval of the Director of the Division of Budget and Accounting.

The unexpended balances as of June 30, 1993 in the Operation Clean Shores account are appropriated.

Total Appropriation, Department of Environmental Protection and Energy.		$5,432,000

DEPARTMENT OF HEALTH

20 Physical and Mental Health

21 Health Services--State Aid

02-4220 Family Health Services.................		$18,371,000
Total Appropriation, Health Services.......		$18,371,000
State Aid:		
Public Health Priority Funding	($3,600,000)	
Projects for Handicapped Infants	(14,771,000)	

The capitation is set at 30 cents for the year ending June 30, 1994 for the purposes prescribed in P.L.1966, c.36 (C.26:2F-1 et seq.).

Total Appropriation, Department of Health	$18,371,000

50 DEPARTMENT OF HIGHER EDUCATION

30 Educational, Cultural and Intellectual Development

36 Higher Educational Services--State Aid

5400 Office of the Chancellor

06-5400 Aid to County Colleges	$114,594,000
Total Appropriation, Higher Educational Services	$114,594,000

State Aid:		
Operational Costs	($87,373,000)	
Debt Service	(10,141,000)	
Employer Contributions--Alternate Benefit Program	(13,375,000)	
Northern/Central CIM Center	(100,000)	
County College Urban Education	(450,000)	
Employer Contributions--Teachers' Pension and Annuity Fund	(664,000)	
Additional Health Benefits	(1,840,000)	
Southern New Jersey CIM Center	(100,000)	
Employer Contributions--FICA For County College Members of Teachers' Pension and Annuity Fund	(551,000)	

Such additional sums as may be necessary for the payment of interest or principal or both, due from the issuance of any bonds authorized under the provisions of section 1 of P.L.1971, c.12 (C.18A:64A-22.1) are appropriated.

Of the amount appropriated hereinabove for the Department of Higher Education, such sums as the Director of the Division of Budget and Accounting shall determine from the schedule at page L-39 in the Governor's Budget Recommendation Document dated February 9, 1993 first shall be charged to the State Lottery Fund.

Total Appropriation, Department of Higher Education	$114,594,000

54 DEPARTMENT OF HUMAN SERVICES

20 Physical and Mental Health

23 Mental Health Services--State Aid

7700 Division of Mental Health and Hospitals

08-7700 Community Services		$88,816,000
Total Appropriation, Division of Mental Health and Hospitals		$88,816,000
State Aid:		
Support of Patients in County Psychiatric Hospitals	($88,816,000)	

50 Economic Planning, Development and Security

53 Economic Assistance and Security--State Aid

7550 Division of Family Development

15-7550 Income Maintenance Management		$477,417,000
Total Appropriation, Division of Family Development		$477,417,000
State Aid:		
Cost of Living Adjustment	($353,000)	
Deferred Cost Of Living	(686,000)	
Payments to Municipalities for Cost of General Assistance	(166,641,000)	

Payments for Dependent Children Assistance, Regular Segment (C-Segment)	(192,944,000)
Payments for Emergency Assistance	(36,044,000)
Payments for Supplemental Security Income	(57,637,000)
Payments for Dependent Children Assistance, Unemployment of Father (F-Segment)	(10,343,000)
Payments for Dependent Children Assistance, Insufficient Employment of Parents (N-Segment)	(12,769,000)

The net State share of reimbursements and the net balances remaining after full payment of sums due the federal government of all funds recovered under R.S.44:7-14, P.L.1959, c.86 (C.44:10-4 et seq.), P.L.1950, c.166 (C.30:4B-1 et seq.), and P.L.1971, c.209 (C.44:13-1 et seq.), during the fiscal year ending June 30, 1994 are appropriated.

Receipts from State administered municipalities during the fiscal year ending June 30, 1994 are appropriated.

The sum hereinabove appropriated is available for payment of obligations applicable to prior fiscal years.

Any change by the Department of Human Services in the standards upon which or from which grants of categorical public assistance are determined, first shall be approved by the Director of the Division of Budget and Accounting.

A portion of the amount hereinabove appropriated for Payments to Municipalities for Cost of General Assistance, not to exceed $1,400,000, is available for transfer to the Department of Labor, Division of Employment Services, for support costs related to the workfare program established pursuant to P.L.1947, c.156 (C.44:8-107 et seq.). Any funds transferred to the Department of Labor shall be used solely to fund employability teams and other costs to implement this general assistance work program.

Receipts from counties for persons receiving Old Age Assistance, Disability Assistance, and Assistance for the Blind under the Supplemental Security Income (SSI) program are appropriated for the purpose of providing State aid to the counties, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding any provision of State law to the contrary, there will be no further payment for benefits previously provided under the General Assistance Program for the costs of hospitalization for such expenses incurred on or after July 1, 1991.

Notwithstanding the provisions of section 18 of P.L.1947, c.156 (C.44:8-124) to the contrary, outpatient services, including, but not limited to, emergency room, clinic and diagnostic services rendered on or after July 1, 1992 to recipients of General Assistance by hospitals shall not be reimbursed. Furthermore, municipalities shall not provide reimbursement for inpatient or outpatient medical services provided in prior fiscal years if submitted for reimbursement after July 31, 1992.

The Department of Human Services shall issue a request for proposal for a pilot program for an electronic fingerprint verification system for the General Assistance Program.

Notwithstanding the provisions of P.L.1947, c.156 (C.44:8-107 et seq.) to the contrary, assistance shall not be granted to an illegal alien or to aliens admitted as students or visitors. To be eligible for assistance an individual shall be either a citizen of the United States or otherwise permanently residing in the United States under color of law, including any alien who is lawfully present in the United States as a result of the application of section 207(c), section 203(a)(7) (prior to April 1, 1980), section 208, and section 212(d)(5) of the "Immigration and Nationality Act," 8 U.S.C. ç 1101 et seq.

In addition to the provisions of section 3 of P.L.1973, c.256, the Department of Human Services shall assess welfare boards at the beginning of each fiscal year in the same proportion that the counties currently participate in the federal categorical assistance programs, in order to obtain the amount of each county's share of the supplementary payments for eligible persons in this State, based upon the number of eligible persons in the county. Welfare boards shall pay the amount assessed.

In addition to the provisions of section 5 of P.L.1959, c.86, for payments that are not eligible for federal financial participation, payment of the State share of expenditures by the county welfare agency for Aid to Families with Dependent children shall be at the rate of 115% during the period July 1 through December 31 of each year and at a rate of 75% during the period January 1 through June 30; provided, that the total payment of the State share of expenditures during the period January 1 through December 31 of each year shall not exceed 95%.

Total Appropriation, Department of Human Services	$566,233,000

74 DEPARTMENT OF STATE

30 Educational, Cultural and Intellectual Development

37 Cultural and Intellectual Development Services--State Aid

06-2535 Museum Services..........................		$1,720,000
Total Appropriation, Cultural and Intellectual Development Services........................		$1,720,000
State Aid:		
Operational Grant for Newark Museum...	($1,720,000)	
Total Appropriation, Department of State		$1,720,000

82 DEPARTMENT OF THE TREASURY

70 Government Direction, Management and Control

75 State Subsidies and Financial Aid--State Aid

27-2085 Other Distributed Taxes.................		$6,500,000
28-2077 County Boards of Taxation		992,000
29-2088 Locally Provided Services............		34,896,000
30-2081 Railroad Property Taxes................		809,000
31-2082 Business Personal Property Tax Replacement		158,704,000
35-2087 Consolidated Police and Firemen's Pension Fund		5,903,000
36-2081 Municipal Purposes Tax Assistance Fund		30,000,000
Total Appropriation, State Subsidies and Financial Aid		$237,804,000
Personal Services:		
County Tax Board Members (71)............	($992,000)	
State Aid:		
Payments to Municipalities to Replace Franchise Tax on Certain Telecommunications Carriers.............	(6,500,000)	
Payments to Municipalities for Services to State-Owned Property.......	(34,896,000)	
Payments to Municipalities In Lieu of Railroad Property Tax Pursuant to P.L.1941, c.291 (C.54:29A-1 et seq.)...........................	(809,000)	
Payments to Municipalities to Replace Property Tax on Business Personalty................	(158,704,000)	
State contribution to Consolidated Police and Firemen's Pension Fund.....	(5,903,000)	
Payments to Municipalities Pursuant to Municipal Purposes Tax Assistance Program, P.L.1980, c.12 (C.54:1-46 et seq.).......	(30,000,000)	

The sum appropriated hereinabove for Payments to Municipalities to Replace Franchise Tax on Telecommunications shall be distributed not later than November 1, 1993, to eligible municipalities as provided in subsection b. of section 5 of P.L.1989, c.2 (C.54:30A-24.2), provided that any amounts remaining undistributed following the application of that subsection shall be allocated and distributed on a proportionate basis to those qualifying and participating municipalities receiving a distribution in calendar year 1993 from the "Municipal Purposes Tax Assistance Fund" established pursuant to section 3 of P.L.1980, c.12 (C.54:1-48). The Director of the Division of Taxation shall certify the distribution as herein provided.

Notwithstanding the provisions of P.L.1941, c.291 (C.54:29A-1 et seq.), the sum hereinabove appropriated for Payments to Municipalities In Lieu of Railroad Property Tax shall be paid only to those municipalities in which Class II railroad property owned by New Jersey Transit Corporation is located.

Notwithstanding the provisions of the "Financial Business Tax Law (1946)," P.L.1946, c.174 (C.54:10B-1 et seq.), there are appropriated so much of the proceeds derived from the imposition of the financial business tax as may be required for payment to the local taxing districts; provided however, that the sum apportioned to the several counties of the State shall not be distributed and shall be anticipated as revenue for general State purposes.

There are appropriated so much of the proceeds of taxes on fire insurance premiums, received or receivable, as may be required for payment to the New Jersey Firemen's Home and the New Jersey State Firemen's Association; provided however, that the unexpended balance as of June 30, 1993 shall lapse, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of P.L.1945, c.162 (C.54:10A-1 et seq.), the amounts collected from banking corporations pursuant to the Corporation Business Tax Act (1945) and the "Business Personal Property Tax Act," P.L.1966, c.136 (C.54:11A-1 et seq.) shall not be distributed to the counties and municipalities and shall be anticipated as revenue for general State purposes.

The unexpended balance as of June 30, 1993 from the taxes collected pursuant to P.L.1940, c.4 (C.54:30A-16 et seq.) and P.L.1940, c.5 (C.54:30A-49 et seq.) shall lapse.

Notwithstanding the provisions of section 2 of P.L.1980, c.10 (C.54:30A-24.1) and section 4 of P.L.1980, c.11 (C.54:30A-61.1), and section 27 of P.L.1991, c.184 (C.54:30A-24.4), and section 28 of P.L.1991, c.184 (C.54:30A-61.4), the payments to municipalities from the proceeds of the public utilities franchise and gross receipts taxes during Fiscal Year 1994 shall be $685,000,000 and the payments due in July, 1993 are limited to $105,000,000; provided however, that amounts collected in excess of these sums shall be anticipated as revenue for general State purposes; and provided further, however, that based upon a review of the State's fiscal circumstances in May, 1994, amounts collected in excess of $1,408,000,000 from Public Utility Gross Receipts and Franchise Taxes (combined) for Fiscal Year 1994 may be distributed to municipalities if the Legislature determines that such a distribution is fiscally prudent.

There are appropriated from taxes collected from certain insurance companies, pursuant to the insurance tax act, so much as may be required for payment to the local taxing districts pursuant to P.L.1945, c.132 (C.54:18A-1 et seq.), and the unexpended balance as of June 30, 1993 shall lapse.

The amount hereinabove appropriated for Payments to Municipalities For Services to State-Owned Property shall be apportioned and distributed without regard to the provisions of section 22 of P.L.1981, c.211 (C.54:4-2.2e1).

Notwithstanding the provisions of P.L.1981, c.190, P.L.1981, c.399 and section 22 of P.L.1981, c.211 (C.54:4-2.2e1), the city of Camden shall receive the full prorated share of the in lieu of tax payments in Fiscal Year 1994.

Notwithstanding the provisions of any other law, of the amount hereinabove for Payments to Municipalities For Services to State-Owned Property, the city of Camden shall first receive payments for services for the New Jersey State Aquarium, derived by applying 40% of the 1992 local purposes tax rate to the actual cost of the facility, provided that such payment shall be retroactive to local Fiscal Year 1993.

Notwithstanding the provisions of any other law, of the amount hereinabove for Payments to Municipalities For Services to State-Owned Property, the cities of Camden and Newark shall first receive payments for services for new prisons and new prison expansions in the same amounts as provided therefor pursuant to P.L.1992, c.40 in Fiscal Year 1993; and that in addition to those payments, payments to the city of Camden for services to new prisons shall be increased by an amount equal to the product of 25% of the 1987 local purposes tax rate applied to the actual cost of the new prisons provided that such increase be retroactive to local Fiscal Year 1993.

Notwithstanding the provisions of any other law, of the amount hereinabove for Payments to Municipalities For Services to State-Owned Property, municipalities shall first receive payments for services to State Building Authority constructed facilities in the same amounts as provided therefor pursuant to P.L.1992, c.40 in Fiscal Year 1993; and that in addition to those payments, municipalities shall receive payments for services to additional State Building Authority constructed facilities, derived by applying 40% of the 1992 local purposes tax rate for the taxing district to the actual cost of the additional facilities.

Of the amount appropriated hereinabove for Payments to Municipalities For Services to State-Owned Property, and in addition to payments pursuant to P.L.1977, c.272 (C.54:4-2.2a et seq.), the city of Newark shall first receive payments for services to the Department of Transportation building, in the same amount as provided therefor pursuant to P.L.1992, c.40 in Fiscal Year 1993.

Notwithstanding the provisions of any other law to the contrary, of the amount hereinabove for Payments to Municipalities for Services to State-Owned Property, the city of Trenton shall first receive, in addition to any other payments to which it is entitled pursuant to P.L.1977, c.272 (C.54:4-2.2a et seq.) under this appropriations act, payments equal to the amount that Trenton would be entitled to receive in Fiscal Year 1994 pursuant to P.L.1977, c.272 if such law were fully funded multiplied by 1.89. Notwithstanding the provisions of any law to the contrary, the Director of the Division of Local Government Services in the Department of Community Affairs shall require the city of Trenton to realize up to $5,000,000 of its allocation hereunder in the city's Fiscal Year 1993 budget. The State Auditor shall conduct an operations audit of the city of Trenton. Copies of the audit shall be submitted to the city, the Director of the Division of Local Government Services and the Joint Budget Oversight Committee.

Notwithstanding the provisions of any other law to the contrary, of the amount hereinabove for Payments to Municipalities for Services to State-Owned Property, the township of Ewing shall first receive, in addition to any other payments to which it is entitled pursuant to P.L.1977, c.272 (C.54:4-2.2a et seq.) under this appropriations act, payments equal to the amount that Ewing is entitled to receive in Fiscal Year 1994 pursuant to section 5 of P.L.1977 c.272 (C.54:4-2.2e) on account of the hold-harmless provision contained in section 5 concerning the extraordinary payment for municipal services and in lieu of taxes under P.L.1977, c.137 multiplied by 1.86.

Total Appropriation, Department of the Treasury	$237,804,000
Total Appropriation, State Aid.................	$1,976,900,000

CAPITAL CONSTRUCTION

01 LEGISLATURE

70 Government Direction, Management and Control

71 Legislative Activities

The unexpended balance as of June 30, 1993 in the Legislature is appropriated.

10 DEPARTMENT OF AGRICULTURE

40 Community Development and Environmental Management

42 Natural Resource Management

Capital Project:		
Renovations to Phillip Alampi Insect Laboratory................................	($125,000)	
Total Appropriation, Natural Resource Management		$125,000

50 Economic Planning, Development and Security

51 Economic Planning and Development

Capital Project:		
Horse Park, Roads and Approaches	($53,000)	
Total Appropriation, Economic Planning and Development		$53,000
Total Appropriation, Department of Agriculture		$178,000

The unexpended balance as of June 30, 1993 in this department is appropriated.

20 DEPARTMENT OF COMMERCE AND ECONOMIC DEVELOPMENT

30 Educational, Cultural and Intellectual Development

37 Cultural and Intellectual Development Services

2920 New Jersey Public Broadcasting Authority

The unexpended balance as of June 30, 1993 in this department is appropriated.

26 DEPARTMENT OF CORRECTIONS

10 Public Safety and Criminal Justice

16 Detention and Rehabilitation

Capital Projects:	
New Jersey State Prison Locking System Upgrade	($307,000)

Wing #1 Toilet Replacement	(593,000)	
East Jersey State Prison		
Heating System, Wing #3	(333,000)	
Replace Dining Room Floor	(248,000)	
Replace Locking System, Wings #1 and #3	(410,000)	
Sewage Flow Meter and Grinder	(49,000)	
Bayside State Prison		
Electrical Improvements	(114,000)	
Upgrade Heating System Steam Lines and Heat Exchange	(120,000)	
Edna Mahan Correctional Facility for Women		
Electrical Renovations	(600,000)	
Food Service Expansion	(269,000)	
Sewage Shredder	(25,000)	
Water Pipe and Ceiling Replacement, Cottage A and B	(98,000)	
Garden State Reception and Youth Correctional Facility		
Sewage Grinders	(242,000)	
Albert C. Wagner Youth Correctional Facility		
Painting and Repair of Water Towers	(290,000)	
New Jersey Training School for Boys		
Power House Renovation	(28,000)	
Mountainview Youth Correctional Facility		
Electrical Service Upgrade	(154,000)	
New Boiler	(38,000)	
Repair Showers In Stone Cottages	(160,000)	
Total Appropriation, Detention and Rehabilitation		$4,078,000

19 Central Planning, Direction and Management

Capital Projects:		
Clean Up Health and Environmental Hazards	($195,000)	
Emergency Generators	(102,000)	
Upgrade Underground Storage Tanks	(650,000)	
Total Appropriation, Central Planning, Direction and Management		$947,000
Total Appropriation, Department of Corrections		$5,025,000

The unexpended balance as of June 30, 1993 in this department is appropriated.

34 DEPARTMENT OF EDUCATION

30 Educational, Cultural and Intellectual Development

32 Operation and Support of Educational Institutions

5010 Division of Direct Services

Capital Project:		
Replace Leaking Roof and Repair Ceilings, COED Building	($372,000)	
Total Appropriation, Division of Direct Services		$372,000

5011 Marie H. Katzenbach School for the Deaf

Capital Projects:		
Fire Protection	($315,000)	
Lower Lake Dam Replacement	(53,000)	
Re-roofing of Various Buildings	(233,000)	
Replacement of Failing Steam Lines	(442,000)	
Total Appropriation, Marie H. Katzenbach School for the Deaf		$1,043,000

35 Education Administration and Management

Capital Projects:		
Local School Construction - Grants	($50,000,000)	
Local School Construction - Loans	(105,000,000)	
Underground Storage Tanks, Statewide	(51,000)	
Total Appropriation, Education Administration and Management		$155,051,000

37 Cultural and Intellectual Development Services

5070 Division of State Library

Capital Project:		
Replace Stack Shelving at Library for the Blind and Handicapped	($1,708,000)	
Total Appropriation, Division of State Library		$1,708,000
Total Appropriation, Department of Education		$158,174,000

The unexpended balance as of June 30, 1993 in this department is appropriated.

42 DEPARTMENT OF ENVIRONMENTAL PROTECTION AND ENERGY

40 Community Development and Environmental Management

42 Natural Resource Management

Capital Project:		
Natural Resource Engineering		
Shore Protection Fund Projects	($15,000,000)	
Maurice River Dredging	(2,000,000)	
Total Appropriation, Natural Resource Management		$17,000,000

There is appropriated from the Fish, Game and Wildlife Recreational Development, and the Fish, Game and Wildlife Renovation and Improvements accounts, and from the Shore protection accounts such sums as are necessary for costs attributable to planning and administration of these programs, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of P.L.1954, c.48 (C.52:34-6 et seq.), the Department of Environmental Protection and Energy may enter into a contract with the Waterloo Foundation for the Arts for improvements to existing State-owned structures or for the construction of new facilities at Waterloo Village.

There are appropriated from the Development and State land acquisition accounts such sums as are necessary for costs attributable to planning and administration of these programs, subject to the approval of the Director of the Division of Budget and Accounting.

The amount hereinabove for Shore Protection Fund Projects is payable from the receipts of the portion of the realty transfer tax directed to be credited to the Shore Protection Fund pursuant to section 1 of P.L.1992, c.148 (C.13:19-6.1).

43 Science and Technical Programs

Capital Projects:		
Flood Control HR 6 Projects....................	($10,000,000)	
Flood Control, Non-HR 6 Projects...........	(2,000,000)	
Total Appropriation, Science and Technical Programs		$12,000,000

46 Environmental Planning and Administration

Capital Project:		
Mosquito Control Equipment...................	($527,000)	
Total Appropriation, Environmental Planning and Administration		$527,000
Total Appropriation, Department of Environmental Protection and Energy		$29,527,000

The unexpended balance as of June 30, 1993 in this department is appropriated.

46 DEPARTMENT OF HEALTH

20 Physical and Mental Health

21 Health Services

Capital Projects:		
Design New Laboratory Facility	($1,000,000)	
Laboratory Equipment	(2,793,000)	
Total Appropriation, Health Services ..		$3,793,000
Total Appropriation, Department of Health		$3,793,000

The unexpended balance as of June 30, 1993 in this department is appropriated.

50 DEPARTMENT OF HIGHER EDUCATION

30 Educational, Cultural and Intellectual Development

36 Higher Educational Services

5400 Office of the Chancellor

Capital Projects:	
Fire and Life Safety Projects....................	(4,900,000)
Hazardous Material Abatement................	(245,000)
Roof Repair and Replacement..................	(1,600,000)
Union County College Campus Expansion	(1,300,000)

Warren Community College, Purchase and Construction	(1,750,000)	
Sussex Community College Retrofit	(2,000,000)	
Total Appropriation, Office of the Chancellor		$11,795,000

5630 University of Medicine and Dentistry of New Jersey

Capital Project:		
Urban Clinic Planning Grant	($1,000,000)	
Total Appropriation, University of Medicine and Dentistry		$1,000,000
Total Appropriation, Department of Higher Education		$12,795,000

The unexpended balance as of June 30, 1993 in this department is appropriated.

54 DEPARTMENT OF HUMAN SERVICES

20 Physical and Mental Health

23 Mental Health Services

7700 Division of Mental Health and Hospitals

Capital Projects:		
New Residential Building With Food Service, Arthur Brisbane	($1,500,000)	
Replacement beds, Division of Mental Health and Hospitals	(1,500,000)	
Total Appropriation, Division of Mental Health and Hospitals		$3,000,000

70 Government Direction, Management and Control

76 Management and Administration

Capital Projects:		
Day Room and Cell Sallyport, Juvenile Medium Security Center	($55,000)	
Environmental Protection Phase I, Various Institutions	(1,857,000)	
Environmental Protection Phase II, Various Institutions	(3,000,000)	
Facility Renovation, Juvenile Facilities	(950,000)	
Infrastructure Improvements, Institutions and Community Facilities	(2,413,000)	
Install Sewer Line Shredder, Juvenile Medium Security Center	(92,000)	
Life Safety Improvements, Various Institutions and Community Facilities	(1,277,000)	
Major Maintenance, Community Facilities	(1,050,000)	
Mobile Technical Aid Center, Commission for the Blind	(150,000)	
Toxic and Hazardous Substances, Various Institutions	(3,000,000)	
Total Appropriation, Management and Administration		$13,844,000
Total Appropriation, Department of Human Services		$16,844,000

The unexpended balance as of June 30, 1993 in this department is appropriated.

66 DEPARTMENT OF LAW AND PUBLIC SAFETY

10 Public Safety and Criminal Justice

11 Vehicular Safety

Capital Projects:		
Bird Pest Control, Various Facilities	($218,000)	
Deferred Maintenance.............................	(368,000)	
HVAC Systems, Various Facilities..........	(925,000)	
Handicapped Accessible Barrier Free Rest Rooms, Various Facilities	(413,000)	
Roof Replacement, Various Facilities......	(1,561,000)	
Underground Tank Removal, Various Facilities	(206,000)	
Total Appropriation, Vehicular Safety		$3,691,000

12 Law Enforcement

Capital Projects:		
Division of State Police		
Bulkhead Repair/Replacement, Point Pleasant	($431,000)	
Critical Repairs/Rehabilitation, Division-Wide	(278,000)	
Division Headquarters, HVAC............	(485,000)	
New Southern Regional Headquarters, Hammonton	(8,410,000)	
Roof replacement, Various Facilities .	(202,000)	
South Regional Lab Plumbing Replacement	(64,000)	
Underground Tank Removal, Various Facilities	(910,000)	
Total Appropriation, Law Enforcement		$10,780,000

80 Special Government Services

82 Protection of Citizens' Rights

Capital Project:		
Mobile Weights and Measures Equipment	($356,000)	
Total Appropriation, Protection of Citizens' Rights		$356,000
Total Appropriation, Department of Law and Public Safety..................................		$14,827,000

The unexpended balance as of June 30, 1993 in this department is appropriated.

67 DEPARTMENT OF MILITARY AND VETERANS' AFFAIRS

10 Public Safety and Criminal Justice

14 Military Services

Capital Projects:		
Central Operations		
Americans with Disabilities Act, Statewide	($500,000)	
Asbestos/PCB Testing/Removal, Statewide	(200,000)	
Deferred Maintenance, Statewide........	(500,000)	
Fire and Life Safety, Statewide	(1,500,000)	

Renovations and Improvements, Statewide	(500,000)	
Underground Tank Replacement, Statewide	(1,314,000)	
Total Appropriation, Military Services		$4,514,000

80 Special Government Services
83 Services To Veterans
3610 Veterans' Program Support

Capital Project:		
Well and Pump Installation, Brig. Gen. Doyle Veterans' Cemetery	($394,000)	
Total Appropriation, Veterans' Program Support		$394,000

3630 Menlo Park Veterans' Memorial Home

Capital Projects:		
Design New Veterans' Home	($1,965,000)	
Fire Protection and Alarm System	(1,506,000)	
Total Appropriation, Menlo Park Veterans' Memorial Home		$3,471,000
Total Appropriation, Department of Military and Veterans' Affairs		$8,379,000

The unexpended balance as of June 30, 1993 in this department is appropriated.

74 DEPARTMENT OF STATE
30 Educational, Cultural and Intellectual Development
37 Cultural and Intellectual Development Services

Capital Projects:		
Morven Renovations	($330,000)	
Natural History Hall Expansion	(200,000)	
Total Appropriation, Cultural and Intellectual Development Services		$530,000
Total Appropriation, Department of State		$530,000

The unexpended balance as of June 30, 1993 in this department is appropriated.

78 DEPARTMENT OF TRANSPORTATION
60 Transportation Programs
61 State Highway Facilities

Capital Projects:		
Transportation Trust Fund Account	($160,400,000)	
Construct Section 4 of County Route 522 (between Route 1 and intersection of New Road and C.R.522), South Brunswick, Middlesex County	(4,481,000)	
Route 1 Widening, Preliminary Engineering/ Design, South Brunswick, Middlesex County	(1,519,000)	

Receipts representing the State share from the rental or lease of property, and the unexpended balances as of June 30, 1993 of such receipts are appropriated for maintenance or improvement of transportation property, equipment and facilities.

In addition to the amount hereinabove for State Highway Facilities, such other sums as the Director of the Division of Budget and Accounting shall determine, provided in Inter-Departmental Accounts for employee benefits, shall be considered as appropriated on behalf of State Highway Construction and Transportation Construction Engineering and be available for matching federal funds.

The sum provided hereinabove for the Transportation Trust Fund Account shall first be provided from revenues received from motor fuel taxes pursuant to Article VIII, Section II, paragraph 4 of the State Constitution, and from funds received or receivable from the various transportation-oriented authorities pursuant to contracts between the authorities and the State, together with such additional sums pursuant to P.L.1984, c.73 (C.27:1B-1 et al.) and R.S.54:39-27 as amended by P.L.1987, c.460, as may be necessary to satisfy all Fiscal Year 1994 debt service, bond reserve requirements, and other fiscal obligations of the New Jersey Transportation Trust Fund Authority.

Notwithstanding any other requirements of law, the department may expend necessary sums for improvements to streets and roads providing access to State facilities within the capital city without local participation.

Total Appropriation, Department of Transportation	$166,400,000

The unexpended balance as of June 30, 1993 in this department is appropriated.

Pursuant to the provisions of P.L.1984, c.73 (C.27:1B-1 et al.), there is appropriated the sum of $565,000,000 from the revenues and other funds of the New Jersey Transportation Trust Fund Authority for the specific projects identified under the 14 general program headings as follows:

Route	Section	Description	County	Amount
1.		CONSTRUCTION - State Highway Facilities		
	A.	Transportation Trust Fund cost sharing with various federal aid programs		
		Rail - highway grade crossing program	Various	($2,000,000)

B. Transportation Trust Fund financed projects

		Camden roadside scenic improvements	Camden	(500,000)
1&9T		Fender repairs to bridge over Hackensack River	Hudson	(500,000)
36		Interim repairs to bridge over Shrewsbury River	Monmouth	(2,000,000)
70	(6)	McClellan Ave. & Chandlers Run, drainage improvements	Camden	(7,262,000)
195		Interim improvements at interchange with County Route 537 (Great Adventure)	Monmouth Ocean	(2,000,000)
		Betterments	Various	(11,400,000)
		Bridge deck patching	Various	(10,000,000)
		Movable bridges, minor rehabilitation	Various	(5,000,000)
		Physical plant	Various	(15,000,000)
		Freight program	Various	(1,000,000)
		Regional action program	Various	(2,300,000)
		Roadside scenic rehabilitation program	Various	(1,500,000)
		Resurfacing program	Various	(49,500,000)
		Restriping program	Various	(11,500,000)
		Traffic signal replacement	Various	(3,500,000)
		Underground exploration for utility facilities	Various	(150,000)
		Vacant building demolition and asbestos removal	Various	(500,000)

2. DESIGN/ENGINEERING - State Highway Facilities
Transportation Trust Fund financed projects

31		Operational improvements, Flemington Circle to Bartles Corner Road	Hunterdon	(800,000)
287	2N	Access improvements at River Road, Washington Ave., and Durham Ave.	Middlesex	(663,000)
		Noise barriers	Various	(5,000,000)
		Final design, regional	Various	(5,000,000)

3. RIGHT-OF-WAY - State Highway Facilities
Transportation Trust Fund financed projects

30/130	1J13D	Collingswood Circle elimination	Camden	(500,000)
		Advance acquisition of right-of-way for transportation corridors and facilities	Various	(3,000,000)

4. PROJECT DEVELOPMENT - State Highway Facilities
Transportation Trust Fund financed projects

9	(10)	Indian Head Road to Ford Road, reconstruction	Ocean Monmouth	(100,000)
31	(6)B	Bartles Corner Road to Stanton Station Road, widening	Hunterdon	(500,000)
31	(8)	Route I-95 to Conrail overpass, reconstruction	Mercer	(500,000)
		Project development, preliminary engineering	Various	(6,000,000)

5. PLANNING - State Highway Facilities
Transportation Trust Fund financed projects

		Planning, research, and training	Various	(9,750,000)

6. ENVIRONMENTAL MITIGATION - State Highway Facilities
Transportation Trust Fund financed projects

169	2D1E	Environmental mitigations	Hudson	(1,000,000)

7. STATEWIDE INVESTMENTS - State Highway Facilities
A. Transportation Trust Fund cost sharing with various federal aid programs

Miscellaneous federal match	Various	(2,000,000)
Park and ride program, HOV program, ridesharing program (DOT & NJT)	Various	(4,000,000)
Transcom; metropolitan New York region traffic management system	Various	(375,000)
Transportation management association program (DOT & NJT)	Various	(5,000,000)

B. Transportation Trust Fund financed projects

Adopt-A-Highway program	Various	(300,000)
Contingency, claims, and non-participating capital program expenses	Various	(13,300,000)
Environmental investigations	Various	(5,000,000)
Existing certificate of participation lease payments	Various	(5,000,000)
Purchase engineering, design and surveying equipment	Various	(5,000,000)
Purchase vehicles to support capital and maintenance programs	Various	(10,000,000)
Emergency response operations	Various	(1,000,000)
Legal costs for right-of-way condemnation and capital project litigation work	Various	(500,000)

Pavement and atmospheric weather monitoring system	Various	(1,000,000)
Small contractor training program	Various	(400,000)

8. STATE AID

Transportation Trust Fund financed projects

State aid in lieu of federal aid funds	Various	(35,000,000)
Municipal aid	Various	(30,000,000)
Additional local aid program		
1. County aid	Various	(15,000,000)
2. Municipal aid	Various	(15,000,000)
3. Discretionary aid	Various	(5,000,000)

9. CAPITAL PROGRAM IMPLEMENTATION - State Highway Facilities

Transportation Trust Fund financed projects

For personal services to support current and previously authorized projects	Various	(57,200,000)

10. CONSTRUCTION - Public Transportation

A. Transportation Trust Fund cost sharing with various federal aid programs

NJ Transit	Tunnel and bridge rehabilitation	Various	(8,200,000)
NJ Transit	Signals and communication/ electric traction system	Various	(2,000,000)
NJ Transit	Rail support facilities and equipment	Various	(7,200,000)
NJ Transit	Hoboken Terminal	Hudson	(8,900,000)
NJ Transit	Rail passenger stations and terminals	Various	(9,490,000)
NJ Transit	Arrow II remanufacture	Various	(5,620,000)
NJ Transit	Track rehabilitation	Various	(760,000)
NJ Transit	Market Street bus maintenance facility	Passaic	(450,000)

B. Transportation Trust Fund financed projects

NJ Transit	Bus support facilities and equipment	Various	(11,640,000)
NJ Transit	Emission improvements to rebuilt bus engines	Various	(790,000)
NJ Transit	Immediate action program	Various	(9,200,000)
NJ Transit	Extend rail service to Hackettstown	Morris Warren	(2,200,000)
NJ Transit	DRPA facility improvements	Camden	(2,400,000)
NJ Transit	Kearny Connection	Essex Morris Union	(15,500,000)
NJ Transit	Railroad associated capital maintenance	Various	(6,360,000)

NJ Transit	Bombardier lease payments on existing rail coaches	Various	(9,450,000)
NJ Transit	Arrow III remanufacture	Various	(6,000,000)
NJ Transit	Overhaul locomotives	Various	(3,000,000)
NJ Transit	Northeast Corridor, equipment modification on locomotives and cab cars	Various	(7,040,000)

11. STATEWIDE INVESTMENTS - Public Transportation

A. Transportation Trust Fund cost sharing with various federal aid programs

NJ Transit	Building capital leases	Atlantic Essex Hudson	(1,410,000)
NJ Transit	Administrative support/ information services	Various	(5,590,000)
NJ Transit	Private carrier capital improvement program	Various	(1,000,000)

B. Transportation Trust Fund financed projects

NJ Transit	Bus stop signs and shelters	Various	(1,000,000)
NJ Transit	Environmental compliance	Various	(2,700,000)
NJ Transit	Claims support	Various	(2,000,000)
NJ Transit	Vans for paratransit service	Various	(1,000,000)
NJ Transit	Communications and revenue systems	Various	(5,000,000)

12. PROJECT DEVELOPMENT - Public Transportation

Transportation Trust Fund cost sharing with various federal aid programs

NJ Transit	Studies	Various	(4,200,000)

13. CAPITAL PROGRAM IMPLEMENTATION - Public Transportation

Transportation Trust Fund financed projects

NJ Transit	For personal services to support current and previously authorized projects	Various	(5,000,000)

14. CAPITALIZED MAINTENANCE - Public Transportation

Transportation Trust Fund financed projects

NJ Transit	Bus vehicle and facility maintenance	Various	(18,500,000)
NJ Transit	Rail maintenance-of-way, major repairs	Various	(14,300,000)
NJ Transit	Rail maintenance of equipment, heavy repairs	Various	(18,600,000)

The unexpended balances as of June 30, 1993 of appropriations from the New Jersey Transportation Trust Fund Authority are appropriated.

Notwithstanding the provision of subsection d. of section 21 of P.L.1984, c.73 (C.27:1B-21), in order to provide the department with flexibility in administering the appropriations identified, the commissioner may transfer funds among projects within the same general program heading subject to the approval of the Director of the Division of Budget and Accounting. The commissioner shall apply to the Director of the Division of Budget and Accounting for permission to transfer funds among projects within different general program headings. If the Director of the Division of Budget and Accounting shall consent thereto, he shall transmit the request to transfer funds among projects within different general program headings to the Legislative Budget and Finance Officer for his approval or disapproval and return to the Director of the Division of Budget and Accounting. The Joint Budget Oversight Committee or its successor is empowered to review all transfers submitted to the Legislative Budget and Finance Officer and may direct said Legislative Budget and Finance Officer to approve or disapprove any transfer.

Notwithstanding the provisions of section 5 of P.L.1992, c.10 (C.27:1B-21.3), sums from the Transportation Trust Fund shall be available, subject to the approval of the Director of the Division of Budget and Accounting, for work necessary for preserving or maintaining the useful life of public transportation projects, provided that the work performed is associated with the acquisition, installation and rehabilitation of components which are not included in the normal operating maintenance of equipment and facilities or replaced on a scheduled basis. The work shall ensure the useful life of the project for not less than three years and shall not include routine maintenance or inspection of equipment and facilities that is conducted on a scheduled basis.

82 DEPARTMENT OF THE TREASURY

70 Government Direction, Management and Control

74 General Government Services

Capital Projects:	
Americans With Disabilities Act, Planning	($264,000)
Business Development Loans	(10,000,000)

Capital Improvements, Capitol Complex.	(410,000)	
Capital Reinvestment, Renovation and Initiative Fund	(3,000,000)	
Capital Replacements	(724,000)	
Municipal and County Infrastructure Program	(13,000,000)	
Total Appropriation, Department of the Treasury		$27,398,000

The amount appropriated hereinabove for the Municipal and County Infrastructure Program shall be credited to the Economic Recovery Fund administered by the New Jersey Economic Development Authority.

The unexpended balance as of June 30, 1993 in this department is appropriated.

90 MISCELLANEOUS EXECUTIVE COMMISSIONS

40 Community Development and Environmental Management

43 Science and Technical Programs

9140 Delaware River Basin Commission

Capital Project:		
Amortization Costs of Multipurpose Dams	($2,000)	
Total Appropriation, Delaware River Basin Commission		$2,000
Total Appropriation, Miscellaneous Executive Commissions		$2,000

The unexpended balance as of June 30, 1993 in this commission is appropriated.

Total Appropriation, Capital Construction	$443,872,000

Funds derived from the sale of any lands and buildings or proceeds from the sale of all fill material held by a department are appropriated for demolition, acquisition of land, rehabilitation or improvement of existing facilities and construction of new facilities, subject to the approval of the Director of the Division of Budget and Accounting.

The unexpended balances as of June 30, 1993 in the Capital Construction accounts are appropriated.

DEBT SERVICE

20 DEPARTMENT OF COMMERCE AND ECONOMIC DEVELOPMENT

50 Economic Planning, Development and Security

51 Economic Planning and Development

99-2910 Interest on Bonds	$1,920,000
99-2910 Bond Redemption	1,250,000
Total Appropriation, Department of Commerce and Economic Development	$3,170,000

Special Purpose:		
Interest:		
Community Development Bonds (P.L.1981, c.486)	($1,920,000)	
Redemption:		
Community Development Bonds (P.L.1981, c.486)	(1,250,000)	

42 DEPARTMENT OF ENVIRONMENTAL PROTECTION AND ENERGY

40 Community Development and Environmental Management

46 Environmental Planning and Administration

99-4800 Interest on Bonds		$753,000
99-4800 Bond Redemption		625,000
Total Appropriation, Department of Environmental Protection and Energy		$1,378,000
Special Purpose:		
Interest:		
Water Supply Bonds (P.L.1981, c.261)	($452,000)	
Resource Recovery and Solid Waste Disposal Facility Bonds (P.L.1985, c.330)	(301,000)	
Redemption:		
Water Supply Bonds (P.L.1981, c.261)	(375,000)	
Resource Recovery and Solid Waste Disposal Facility Bonds (P.L.1985, c.330)	(250,000)	

82 DEPARTMENT OF THE TREASURY

70 Government Direction, Management and Control

73 Financial Administration

19 Central Planning, Direction and Management

99-2000 Interest on Bonds		$109,788,000
99-2000 Bond Redemption		1,550,000
Total Appropriation, Department of the Treasury		$111,338,000
Special Purpose:		
Interest:		
State Transportation Bonds (P.L.1968, c.126)	($173,000)	
State Housing Assistance Bonds (P.L.1968, c.127)	(17,000)	
Public Buildings Construction Bonds (P.L.1968, c.128)	(156,000)	
Refunding Bonds P.L.1985, c.74 as amended by P.L.1992, c.182	(109,442,000)	
Redemption:		
State Transportation Bonds (P.L.1968, c.126)	(750,000)	

State Housing Assistance Bonds (P.L.1968, c.127)	(100,000)	
Public Buildings Construction Bonds (P.L.1968, c.128)	(700,000)	
Total Appropriation, Debt Service		$115,886,000

Such sums as may be needed for the payment of interest and/or principal due from the issuance of any bonds authorized under the several bond acts of the State are appropriated and shall first be charged to the earnings from the investments of such bond proceeds.

There are appropriated such sums as may be needed for the payment of debt service administrative costs.

Total Appropriation, General Fund	$10,247,654,000

PROPERTY TAX RELIEF FUND

GRANTS-IN-AID

82 DEPARTMENT OF THE TREASURY

70 Government Direction, Management and Control

75 State Subsidies and Financial Aid--Grants-In-Aid

33-2076 Homestead Exemptions		$325,000,000
Total Appropriation, State Subsidies and Financial Aid		$325,000,000
Grants:		
Homestead Property Tax Rebates for Homeowners and Tenants (P.L.1990, c.61)	($325,000,000)	

A homestead property tax rebate to be paid from the amount appropriated hereinabove during Fiscal Year 1994 for a tax year 1992 claim for a claimant who is 65 years of age or older at the close of the tax year or who is allowed to claim a personal deduction as a blind or disabled taxpayer pursuant to subsection b. of N.J.S.54A:3-1, or who is a joint claimant with such an individual, shall be calculated by the Division of Taxation pursuant to the provisions of the "Homestead Property Tax Rebate Act of 1990," P.L.1990, c.61 (C.54:4-8.57 et seq.).

Notwithstanding the provisions of P.L.1990, c.61 (C.54:4-8.57 et seq.) to the contrary, if the claimant or joint claimant is not 65 years of age or older at the close of the 1992 tax year or is not allowed to claim a personal deduction as a blind or disabled taxpayer pursuant to subsection b. of N.J.S.54A:3-1, a homestead property tax rebate shall be paid from the amount appropriated hereinabove during Fiscal Year 1994 for a tax year 1992 claim only for a claimant or joint claimants with "gross income," as defined pursuant to section 2 of P.L.1990, c.61 (C.54:4-8.58) not in excess of $40,000 for the tax year, and shall be calculated by the Division of Taxation and paid based upon a maximum rebate of $30 for a claimant whose status is a tenant whose homestead is a unit of residential rental property and a maximum rebate of $90 for a claimant whose status is an owner of a homestead. Such rebates shall be calculated without regard to the amount of property taxes paid, property taxes paid through rent or rent constituting property taxes paid and without regard to the amount of gross income not in excess of $40,000 and shall be calculated subject to such proportionate reductions in and aggregations of such maximum rebate amounts as relate to the number of days as a tenant of a homestead or as an owner of a homestead during the tax year and the share of property owned or share of rent paid during the tax year.

In addition to the amount hereinabove, there are appropriated from the Property Tax Relief Fund such additional sums as may be required for payments to homeowners and tenants qualifying for homestead property tax rebates, subject to the limitations and conditions provided in this act.

Total Appropriation, Department of the Treasury	$325,000,000
Total Appropriation, Grants-In-Aid	$325,000,000

STATE AID
22 DEPARTMENT OF COMMUNITY AFFAIRS
40 Community Development and Environmental Management
41 Community Development Management--State Aid

04-8030 Local Government Services		$365,700,000
Total Appropriation, Community Development Management		$365,700,000
State Aid:		
Supplemental Municipal Property Tax Relief Act-Formula Aid	($305,000,000)	
Supplemental Municipal Property Tax Relief Act-Discretionary Aid	(30,000,000)	
Supplemental Municipal Property Tax Relief Act-Additional Municipal Aid ..	(25,000,000)	
Supplemental Municipal Property Tax Relief Act hold-harmless formula aid ..	(5,700,000)	

Notwithstanding the provisions of any other law to the contrary, the amount appropriated for Supplemental Municipal Property Tax Relief Act - Additional Municipal Aid shall be allocated to provide a uniform percentage increase in the amount otherwise apportioned to eligible municipalities pursuant to P.L.1978, c.14 (C.52:27D-178 et seq.) for Fiscal Year 1994.

Notwithstanding the provisions of any other law to the contrary, distribution of per capita Supplemental Municipal Property Tax Relief Act - Formula Aid shall use the 1990 federal decennial census as certified by the U.S. Bureau of the Census for legislative reapportionment purposes, and the "Per Capita Money Income" table for 1989, issued by the New Jersey State Data Center in the Division of Labor Market and Demographic Research of the New Jersey Department of Labor for determination of municipal population, municipal and State per capita income.

The amount hereinabove for Supplemental Municipal Property Tax Relief Act hold-harmless formula aid shall be distributed by the Director of the Division of Local Government Services in the Department of Community Affairs, to those municipalities that would receive less Supplemental Municipal Property Tax Relief Act-Formula Aid in State Fiscal Year 1994, based on P.L.1991, c.63 (C.52:27D-118.32 et seq.), than they received in State Fiscal Year 1993, in amounts necessary to provide the same dollar amount of aid that was received by those municipalities in State Fiscal Year 1993. The director shall certify amounts to be distributed to each municipality from the Supplemental Municipal Property Tax Relief Act hold-harmless formula aid appropriation and shall notify, within five business days of the effective date of this act, each municipality of the amount of Supplemental Municipal Property Tax Relief Act hold-harmless formula aid it will receive. Any municipality that has been notified that it will receive funds from this appropriation may anticipate the receipt of the amount of Supplemental Municipal Property Tax Relief Act hold-harmless formula aid that shall be certified to it by the director and may file any amendment or correction in its local budget that may be required to properly reflect that State aid. Notwithstanding section 9 of P.L.1991, c.63 (C.52:27D-118.40) or any other law, rule or regulation to the contrary, funds received by a municipality pursuant to this appropriation may be used during the current local budget year, subject to the limits on final appropriations pursuant to P.L.1976, c.68

(C.40A:40-45.1 et seq.), for any lawful purposes deemed appropriate by the municipal governing body. The director shall distribute the Supplemental Municipal Property Tax Relief Act hold-harmless formula aid appropriated herein at the same time as the Supplemental Municipal Property Tax Relief Act-Formula Aid is distributed.

Total Appropriation, Department of Community Affairs	$365,700,000

34 DEPARTMENT OF EDUCATION

30 Educational, Cultural and Intellectual Development

31 Direct Educational Services and Assistance--State Aid

01-5120 General Formula Aid		$2,029,195,000
05-5120 Bilingual Education		57,386,000
06-5120 Programs For At-Risk Pupils		292,986,000
07-5120 Special Education		582,500,000
Total Appropriation, Direct Educational Services and Assistance		$2,962,067,000
State Aid:		
Foundation aid - Quality Education Act of 1990	($1,943,565,000)	
Transition aid - Quality Education Act of 1990	(85,630,000)	
Bilingual Education Aid	(57,386,000)	
Aid for At-Risk Pupils	(292,986,000)	
Special Education Aid	(582,500,000)	

Notwithstanding any other law, the amount of State aid made available to the Department of Human Services pursuant to "The State Facilities Education Act of 1979," P.L.1979, c.207 (C.18A:7B-1 et al.), to defray the costs of educating eligible children in approved private schools under contract with the Department of Human Services shall not exceed the actual costs of the education of those children in such private schools.

33 Supplemental Education and Training Programs--State Aid

20-5120 General Vocational Education Programs		$28,722,000
Total Appropriation, Supplemental Education and Training Programs		$28,722,000
State Aid:		
County vocational program aid	($28,722,000)	

34 Educational Support Services--State Aid

36-5120 Pupil Transportation		$263,849,000
38-5120 Facilities Planning and School Building Aid		69,945,000
39-5095 Teachers' Pension and Annuity Assistance		767,187,000
Total Appropriation, Educational Support Services		$1,100,981,000
State Aid:		
Transportation Aid	($263,849,000)	

School Building Aid	(69,945,000)	
Teachers' Pension and Annuity Fund	(375,058,000)	
Social Security Tax	(392,129,000)	
Total Appropriation, Department of Education		$4,091,770,000

In the event that sufficient funds are not appropriated to fully fund any State aid item, the Commissioner of Education shall apportion such appropriation among the districts in proportion to the State aid each district would have been apportioned had the full amount of State aid been appropriated.

Any appropriation or part thereof made from the Property Tax Relief Fund may be transferred and recorded as an appropriation from the General Fund, as deemed necessary by the State Treasurer, in order that the Director of the Division of Budget and Accounting may warrant the necessary payments; provided however, that the available unrestricted fund balance in the General Fund, as determined by the State Treasurer, is sufficient to support such appropriation.

82 DEPARTMENT OF THE TREASURY

70 Government Direction, Management and Control

75 State Subsidies and Financial Aid--State Aid

29-2088 Locally Provided Services		$33,000,000
34-2078 Reimbursement--Senior Citizens and Veterans		41,697,000
Total Appropriation, State Subsidies and Financial Aid		$74,697,000
State Aid:		
Aid to Densely Populated Municipalities (P.L.1990, c.85)	($33,000,000)	
State Reimbursement to Municipalities for Senior/Disabled Citizens' Property Tax Exemptions	(22,153,000)	
State Reimbursement for Veterans' Property Tax Exemptions	(19,544,000)	

Notwithstanding the provisions of P.L.1990, c.85 (C.52:27D-384 et seq.), the amount hereinabove for Aid to Densely Populated Municipalities shall be distributed in the same amount and to the same municipalities which received such aid in Fiscal Year 1993 pursuant to the provisions of P.L.1992, c.40.

In addition to the amount hereinabove, there are appropriated from the Property Tax Relief Fund such additional sums as may be required for State reimbursement to municipalities for the senior/disabled citizens' and veterans' property tax exemptions.

Total Appropriation, Department of the Treasury	$74,697,000

Total Appropriation, State Aid	$4,532,167,000
Total Appropriation, Property Tax Relief Fund	$4,857,167,000

Any appropriation or part thereof made from the Property Tax Relief Fund may be transferred and recorded as an appropriation from the General Fund, as deemed necessary by the State Treasurer, in order that the Director of the Division of Budget and Accounting may warrant the necessary payments; provided however, that the available unrestricted fund balance in the General Fund, as determined by the State Treasurer, is sufficient to support such appropriation.

CASINO CONTROL FUND
DIRECT STATE SERVICES
66 DEPARTMENT OF LAW AND PUBLIC SAFETY
10 Public Safety and Criminal Justice
12 Law Enforcement

30-1460 Gaming Enforcement		$34,296,000
Total Appropriation, Law Enforcement		$34,296,000
Personal Services:		
Salaries and Wages	($20,158,000)	
Cash in Lieu of Maintenance	(644,000)	
Employee Benefits	(5,192,000)	
Materials and Supplies	(758,000)	
Services Other Than Personal	(2,523,000)	
Maintenance and Fixed Charges	(2,849,000)	
Special Purpose:		
Indirect Costs	(1,535,000)	
Additions, Improvements and Equipment	(637,000)	

In addition to the amount hereinabove for Gaming Enforcement, there are appropriated from the Casino Control Fund such additional sums as may be required for gaming enforcement, subject to the approval of the Director of the Division of Budget and Accounting.

Total Appropriation, Department of Law and Public Safety	$34,296,000

82 DEPARTMENT OF THE TREASURY
70 Government Direction, Management and Control
73 Financial Administration

25-2095 Administration of Casino Gambling		$23,075,000
Total Appropriation, Financial Administration		$23,075,000
Personal Services:		
Chairman and Commissioners	($455,000)	
Salaries and Wages	(14,742,000)	
Employee Benefits	(4,461,000)	

Materials and Supplies	(293,000)	
Services Other Than Personal	(1,365,000)	
Maintenance and Fixed Charges	(1,379,000)	
Special Purpose:		
Other Special Purpose	(350,000)	
Additions, Improvements and Equipment	(30,000)	

In addition to the amount hereinabove for Administration of Casino Gambling, there are appropriated from the Casino Control Fund such additional sums as may be required for operation of the Casino Control Commission, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of section 53 of P.L.1977, c.110 (C.5:12-53), each member of the Casino Control Commission shall receive compensation of $90,000 per annum. The chairman shall receive $5,000 per annum in addition to his compensation as a member of the commission.

Total Appropriation, Department of the Treasury	$23,075,000
Total Appropriation, State Operations-- Casino Control Fund	$57,371,000
Total Appropriation, Casino Control Fund	$57,371,000

CASINO REVENUE FUND
DIRECT STATE SERVICES
22 DEPARTMENT OF COMMUNITY AFFAIRS
50 Economic Planning, Development and Security
55 Social Services Programs

08-8060 Programs for the Aging		$365,000
Total Appropriation, Social Services Programs		$365,000
Personal Services:		
Salaries and Wages	($274,000)	
Employee Benefits	(80,000)	
Materials and Supplies	(5,000)	
Services Other Than Personal	(6,000)	
Total Appropriation, Department of Community Affairs		$365,000

46 DEPARTMENT OF HEALTH
20 Physical and Mental Health
21 Health Services

02-4220 Family Health Services		$233,000
Total Appropriation, Health Services		$233,000
Personal Services:		
Salaries and Wages	($185,000)	
Employee Benefits	(29,000)	
Materials and Supplies	(5,000)	
Services Other Than Personal	(14,000)	
Total Appropriation, Department of Health		$233,000

54 DEPARTMENT OF HUMAN SERVICES

20 Physical and Mental Health

24 Special Health Services

7540 Division of Medical Assistance and Health Services

21-7540 Health Services Administration and Management		$3,789,000
24-7540 Pharmaceutical Assistance to the Aged and Disabled		6,054,000
Total Appropriation, Division of Medical Assistance and Health Services		$9,843,000
Personal Services:		
Salaries and Wages	($4,221,000)	
Compensation Awards	(1,000)	
Employee Benefits	(1,277,000)	
Materials and Supplies	(104,000)	
Services Other Than Personal	(1,024,000)	
Maintenance and Fixed Charges	(836,000)	
Special Purpose:		
Payments to Fiscal Agents	(503,000)	
Eligibility Determination	(150,000)	
Payments to Fiscal Agents (PAA)	(1,400,000)	
Other Special Purpose	(135,000)	
Additions, Improvements and Equipment	(192,000)	

30 Educational, Cultural and Intellectual Development

32 Operation and Support of Educational Institutions

7601 Community Programs

02-7601 Social Supervision and Consultation		$34,000
Total Appropriation, Community Programs		$34,000
Special Purpose:		
Homemaker Services (State share)	($34,000)	

50 Economic Planning, Development and Security

53 Economic Assistance and Security

7540 Division of Medical Assistance and Health Services

28-7540 Lifeline Programs		$4,427,000
Total Appropriation, Division of Medical Assistance and Health Services		$4,427,000
Personal Services:		
Salaries and Wages	($2,632,000)	
Compensation Awards	(5,000)	
Employee Benefits	(735,000)	
Materials and Supplies	(43,000)	
Services Other Than Personal	(405,000)	
Maintenance and Fixed Charges	(286,000)	
Special Purpose:		
Other Special Purpose	(270,000)	
Additions, Improvements and Equipment	(51,000)	
Total Appropriation, Department of Human Services		$14,304,000

66 DEPARTMENT OF LAW AND PUBLIC SAFETY

80 Special Government Services

82 Protection of Citizens' Rights

15-1326 Operation of State Professional Boards		$92,000
Total Appropriation, Protection of Citizens' Rights		$92,000
Personal Services:		
Salaries and Wages	($23,000)	
Employee Benefits	(6,000)	
Materials and Supplies	(14,000)	
Services Other Than Personal	(45,000)	
Additions, Improvements and Equipment	(4,000)	
Total Appropriation, Department of Law and Public Safety		$92,000
Total Appropriation, State Operations-- Casino Revenue Fund		$14,994,000

GRANTS - IN - AID

22 DEPARTMENT OF COMMUNITY AFFAIRS

40 Community Development and Environmental Management

41 Community Development Management--Grants-In-Aid

12-8025 Boarding Home Regulation and Assistance		$3,200,000
Total Appropriation, Community Development Management		$3,200,000
Grants:		
Boarding House Rental Assistance Fund	($3,200,000)	

In addition to the amount hereinabove for the Boarding House Rental Assistance Fund, such additional funds as may be required for the purpose of the program are appropriated pursuant to section 17 of P.L.1983, c.530 (C.55:14K-17), subject to the approval of the Director of the Division of Budget and Accounting.

50 Economic Planning, Development and Security

55 Social Services Programs--Grants-In-Aid

08-8060 Programs for the Aging		$5,275,000
Total Appropriation, Social Services Programs.		$5,275,000
Grants:		
Home Delivered Meals Expansion	($950,000)	
Senior Citizen Housing-Safe Housing and Transportation	(2,383,000)	
Congregate Housing Support Services	(1,902,000)	
Task Force Study: Housing Options for Seniors	(40,000)	
Total Appropriation, Department of Community Affairs		$8,475,000

46 DEPARTMENT OF HEALTH

20 Physical and Mental Health

21 Health Services--Grants-In-Aid

02-4220 Family Health Services	$1,447,000
Total Appropriation, Health Services	$1,447,000

Grants:		
Statewide Birth Defects Registry	($500,000)	
Demonstration Adult Day Care Center Program-Alzheimer's Disease.............	(947,000)	
Total Appropriation, Department of Health		$1,447,000

54 DEPARTMENT OF HUMAN SERVICES

20 Physical and Mental Health

24 Special Health Services

7540 Division of Medical Assistance and Health Services--Grants-In-Aid

22-7540 General Medical Services		$55,204,000
24-7540 Pharmaceutical Assistance to the Aged and Disabled		110,731,000
Total Appropriation, Division of Medical Assistance and Health Services		$165,935,000
Grants:		
Community Care Programs for Elderly and Disabled.......................................	($42,844,000)	
Respite Care for the Elderly.....................	(4,000,000)	
Home Care Expansion.............................	(8,000,000)	
Hearing Aid Assistance for the Aged and Disabled	(360,000)	
Pharmaceutical Assistance to the Aged and Disabled - Claims P.L.1975, c.194 (C.30:4D-20 et seq.)	(110,731,000)	

In addition to the amount hereinabove, there are appropriated from the Casino Revenue Fund and available federal matching funds such additional sums as may be required for the payment of claims, subject to the approval of the Director of the Division of Budget and Accounting.

All funds recovered under P.L.1968, c.413 (C.30:4D-1 et seq.) and P.L.1975, c.194 (C.30:4D-20 et seq.) during the fiscal year ending June 30, 1994, are appropriated for payments to providers in the same program class from which the recovery originated.

In order to permit flexibility in the handling of appropriations and ensure the timely payment of claims to providers of medical services, amounts may be transferred to and from the various items of appropriation within the General Medical Services program classification, subject to the approval of the Director of the Division of Budget and Accounting. Notice thereof shall be provided to the Legislative Budget and Finance Officer on the effective date of the approved transfer. This provision shall apply to all payments made after June 30, 1990.

For the purposes of account balance maintenance all object accounts in the General Medical Services program classification shall be considered as one object. This will allow timely payment of claims to providers of medical services but ensure that no overspending will occur in the program classification. This provision shall apply to all payments made after June 30, 1990.

An amount not to exceed $1,500,000 is appropriated to the Department of Human Services, Division of Medical Assistance and Health Services from the unexpended balances of monies deposited in the "Health Care Cost Reduction Fund" established pursuant to section 25 of P.L.1991, c.187 (C.26:2H-18.47) or from the "Health Care Subsidy Fund" established pursuant to section 8 of P.L.1992, c.160 (C.26:2H-18.58) to expand the Community Care Program for the Elderly and Disabled.

Benefits provided under the Pharmaceutical Assistance to the Aged and Disabled (PAAD) Program, P.L.1975, c.194 (C.30:4D-20 et seq.), shall be the last resource benefits, notwithstanding any provision contained in contracts, wills, agreements or other instruments. Any provision in a contract of insurance, will, trust agreement or other instrument which reduces or excludes coverage or payment to an individual because of that individual's eligibility for or receipt of PAAD benefits shall be void, and no PAAD payments shall be made as a result of any such provision.

Notwithstanding the provisions of section 3 of P.L.1975, c.194 (C.30:4D-22) to the contrary, the copayment in the "Pharmaceutical Assistance to the Aged and Disabled" program shall be $5.00. This copayment is effective on all prescriptions on or after July 1, 1992.

Notwithstanding the provisions of any law to the contrary, rebates from pharmaceutical manufacturing companies for prescriptions purchased by the Pharmaceutical Assistance to the Aged and Disabled program shall continue throughout Fiscal Year 1994. All revenues from such rebates during the fiscal year ending June 30, 1994, shall be appropriated for the cost of the Pharmaceutical Assistance to the Aged and Disabled program.

Notwithstanding the annual income limit amounts in section 2 of P.L.1975, c.194 (C.30:4D-21), effective January 1, 1993, a resident of this State who is either a recipient of disability insurance benefits under Title II of the federal Social Security Act (42 U.S.C. §401 et seq.) or 65 years of age or over and whose annual income is less than $16,171 if single, or if married, whose annual income combined with that of the resident's spouse is less than $19,828, shall be eligible for "Pharmaceutical Assistance to the Aged and Disabled" if the resident is not otherwise qualified for assistance under P.L.1968, c.413 (C.30:4D-1 et seq.).

Notwithstanding the provisions of P.L.1993 c.97, a participating manufacturer who does not enter a rebate agreement by June 30, 1993 shall only be eligible to continue participation in the Pharmaceutical Assistance to the Aged and Disabled (PAAD) program through July 30, 1993. Effective July 31, 1993, drug products produced and marketed by such manufacturers shall no longer be eligible for reimbursement through the PAAD program.

30 Educational, Cultural and Intellectual Development
32 Operation and Support of Educational Institutions
7601 Community Programs--Grants-In-Aid

01-7601 Purchased Residential Care		$14,905,000
02-7601 Social Supervision and Consultation		1,657,000
03-7601 Adult Activities		7,374,000
04-7601 Education and Day Training		551,000
Total Appropriation, Community Programs		$24,487,000
Grants:		
Private Institutional Care	($1,311,000)	
Skill Development Homes	(1,141,000)	
Group Homes	(12,325,000)	
Family Care	(128,000)	
Home Assistance	(1,657,000)	
Purchase of Adult Activity Services	(7,374,000)	
Purchase of Day Training Services	(551,000)	

Group home maintenance recoveries during the fiscal year ending June 30, 1994, not to exceed $3,500,000, are appropriated.

Amounts required to return persons with mental retardation or developmental disabilities presently residing in out-of-State institutions to group homes within the State may be transferred from the Private Institutional Care account to the Group Homes account, subject to the approval of the Director of the Division of Budget and Accounting.

50 Economic Planning, Development and Security
53 Economic Assistance and Security
7540 Division of Medical Assistance and Health Services--Grants-In-Aid

28-7540 Lifeline Programs	$38,608,000

Total Appropriation, Division of Medical Assistance and Health Services		$38,608,000
Grants:		
Payments for Lifeline Credits	($38,608,000)	

In addition to the amount hereinabove, there is appropriated from the Casino Revenue Fund such additional funds as may be required for payments to persons qualifying for Lifeline programs.

50 Economic Planning, Development and Security
55 Social Services Programs
7570 Division of Youth and Family Services--Grants-In-Aid

18-7570 General Social Services		$5,152,000
Total Appropriation, Division of Youth and Family Services		$5,152,000
Grants:		
Protective Services for the Elderly and Disabled	($1,718,000)	
Personal Attendant Program.....................	(3,434,000)	
Total Appropriation, Department of Human Services		$234,182,000

62 DEPARTMENT OF LABOR
50 Economic Planning, Development and Security
54 Manpower and Employment Services--Grants-In-Aid

07-4535 Vocational Rehabilitation Services.		$1,440,000
Total Appropriation, Manpower and Employment Services		$1,440,000
Grants:		
Sheltered Workshop Transportation	($1,440,000)	
Total Appropriation, Department of Labor		$1,440,000
Total Appropriation, Grants-In-Aid-- Casino Revenue Fund		$245,544,000

STATE AID
78 DEPARTMENT OF TRANSPORTATION
60 Transportation Programs
62 Public Transportation--State Aid

04-6050 Railroad and Bus Operations		$19,237,000
Total Appropriation, Public Transportation		$19,237,000
State Aid:		
Transportation Assistance for Senior Citizens and Disabled Residents..........	($19,237,000)	

The unexpended balance as of June 30, 1993, in this account is appropriated.

Total Appropriation, Department of Transportation	$19,237,000

82 DEPARTMENT OF THE TREASURY
70 Government Direction, Management and Control
75 State Subsidies and Financial Aid--State Aid

34-2076 Reimbursement--Senior Citizens and Veterans	$17,180,000
Total Appropriation, State Subsidies and Financial Aid	$17,180,000

State Aid:		
Reimbursements to Municipalities - Senior and Disabled Citizens' Tax Exemptions	($17,180,000)	

In addition to the amount hereinabove, there are appropriated from the Casino Revenue Fund such additional sums as may be required for reimbursements to municipalities qualifying for such payments or reimbursements.

Total Appropriation, Department of the Treasury	$17,180,000
Total Appropriation, State Aid--Casino Revenue Fund	$36,417,000
Total Appropriation, Casino Revenue Fund	$296,955,000

Any appropriation or part thereof made from the Casino Revenue Fund may be transferred and recorded as an appropriation from the General Fund, as deemed necessary by the State Treasurer, in order that the Director of the Division of Budget and Accounting may warrant the necessary payments; provided however, that the available unrestricted fund balance in the General Fund, as determined by the State Treasurer, is sufficient to support such appropriation.

GUBERNATORIAL ELECTIONS FUND
DIRECT STATE SERVICES
66 DEPARTMENT OF LAW AND PUBLIC SAFETY
10 Public Safety and Criminal Justice
13 Special Law Enforcement Activities

17-1420 Election Law Enforcement		$7,800,000
Total Appropriation, Special Law Enforcement Activities		$7,800,000
Special Purpose:		
Election Law Enforcement......................	($7,800,000)	

The amount hereinabove for public financing of the gubernatorial primary and general election is appropriated from the Gubernatorial Elections Fund.

There are appropriated from the Gubernatorial Elections Fund such sums as may be required for payments to persons qualifying for additional public funds; provided however, that should the amount available in the Gubernatorial Elections Fund be insufficient to support such an appropriation, there are appropriated from the General Fund such sums as may be required.

Total Appropriation, Department of Law and Public Safety	$7,800,000
Total Appropriation, Gubernatorial Elections Fund	$7,800,000
Grand Total Appropriation, All State Funds	$15,466,947,000

FEDERAL FUNDS

10 DEPARTMENT OF AGRICULTURE

40 Community Development and Environmental Management

42 Natural Resource Management

01-3310 Animal Disease Control		$18,000
02-3320 Plant Pest and Disease Control		339,000
Total Appropriation, Natural Resource Management		$357,000
Personal Services:		
Salaries and Wages	($104,000)	
Employee Benefits	(53,000)	
Materials and Supplies	(7,000)	
Services Other Than Personal	(14,000)	
Maintenance and Fixed Charges	(15,000)	
Special Purpose:		
Cooperative Gypsy Moth Suppression	(100,000)	
Plant Pest Survey and Detection Program	(14,000)	
Other Special Purpose	(50,000)	

50 Economic Planning, Development and Security

51 Economic Planning and Development

06-3360 Marketing Services		$8,000
07-3360 Commodity Distribution		1,225,000
Total Appropriation, Economic Planning and Development		$1,233,000
Personal Services:		
Salaries and Wages	($215,000)	
Employee Benefits	(64,000)	
Materials and Supplies	(10,000)	
Services Other Than Personal	(47,000)	
Maintenance and Fixed Charges	(72,000)	
Special Purpose:		
Jobs Bills	(825,000)	

52 Economic Regulation

05-3350 Other Commodity Regulation		$160,000
Total Appropriation, Economic Regulation		$160,000
Personal Services:		
Salaries and Wages	($101,000)	
Employee Benefits	(43,000)	
Services Other Than Personal	(5,000)	
Maintenance and Fixed Charges	(11,000)	
Total Appropriation, Department of Agriculture		$1,750,000

20 DEPARTMENT OF COMMERCE AND ECONOMIC DEVELOPMENT

30 Educational, Cultural and Intellectual Development

37 Cultural and Intellectual Development Services

10-2920 Public Broadcasting Services		$444,000

Total Appropriation, Cultural and Intellectual Development Services		$444,000
Special Purpose:		
Public Broadcasting Services	($444,000)	
Total Appropriation, Department of Commerce and Economic Development		$444,000

22 DEPARTMENT OF COMMUNITY AFFAIRS

40 Community Development and Environmental Management

41 Community Development Management

02-8020 Housing Services		$213,887,000
18-8017 Uniform Fire Code		20,000
Total Appropriation, Community Development Management		$213,907,000
Personal Services:		
Salaries and Wages	($11,480,000)	
Employee Benefits	(3,761,000)	
Materials and Supplies	(349,000)	
Services Other Than Personal	(1,628,000)	
Maintenance and Fixed Charges	(666,000)	
Special Purpose:		
National Community Volunteer Fire Prevention	(20,000)	
Transitional Housing - Homeless	(200,000)	
Other Special Purpose	(1,175,000)	
State Aid and Grants:		
Small Cities Block Grant Program	(14,961,000)	
Emergency Shelter Grants Program	(3,000,000)	
Housing Opportunities for People Everywhere	(100,000)	
Moderate Rehabilitation Housing Assistance	(16,486,000)	
Rental Rehabilitation Assistance Program	(6,420,000)	
Section 8 Existing Housing Rental Assistance	(72,932,000)	
Section 8 Housing Voucher Program	(41,264,000)	
Transitional Housing - Homeless	(2,000,000)	
Permanent Housing for the Handicapped Homeless	(7,700,000)	
Lead Based Paint Abatement In Low and Moderate Income Housing	(7,200,000)	
National Affordable Housing - HOME Investment Partnerships	(22,500,000)	
Additions, Improvements and Equipment	(65,000)	

50 Economic Planning, Development and Security

55 Social Services Programs

05-8050 Community Resources		$21,060,000
08-8060 Programs for the Aging		32,497,000
15-8051 Women's Programs		43,000
Total Appropriation, Social Services Programs		$53,600,000
Personal Services:		
Salaries and Wages	($1,731,000)	
Employee Benefits	(455,000)	
Materials and Supplies	(28,000)	

Services Other Than Personal	(143,000)	
Maintenance and Fixed Charges	(26,000)	
Special Purpose:		
Low Income Energy Assistance Program Training and Technical Assistance	(6,000)	
Senior Health Insurance Counseling Program	(222,000)	
Older Americans' Act Title III	(17,000)	
Project Care - National Eldercare Campaign	(135,000)	
Other Special Purpose	(202,000)	
State Aid and Grants:		
Older Americans' Act Title III	(26,855,000)	
USDA Older Americans' Act Title III	(3,900,000)	
Community Food and Nutrition Program.	(87,000)	
Weatherization Assistance Program	(4,494,000)	
Home Energy Assistance Program	(3,030,000)	
Community Services Block Grant - HHS	(10,106,000)	
Emergency Homeless Program	(527,000)	
Purchase of Legal Services	(1,382,000)	
Older Americans' Act Title III	(201,000)	
Child Development Associate Scholarship Assistance Grant	(43,000)	
Additions, Improvements and Equipment	(10,000)	
Total Appropriation, Department of Community Affairs		$267,507,000

26 DEPARTMENT OF CORRECTIONS

10 Public Safety and Criminal Justice

16 Detention and Rehabilitation

08-7130 Institutional Care Program		$62,000
10-7040 Education Program		765,000
10-7080 Education Program		128,000
10-7110 Education Program		296,000
10-7130 Education Program		618,000
Total Appropriation, Detention and Rehabilitation		$1,869,000
Personal Services:		
Salaries and Wages	($824,000)	
Employee Benefits	(162,000)	
Special Purpose:		
Adult Basic Education - 310	(765,000)	
Other Special Purpose	(118,000)	

19 Central Planning, Direction and Management

7000 Division of Management and General Support

01-7000 Planning, Management and General Support		$228,000
02-7000 Program Operations Support		1,001,000
99-7000 Management and Administrative Services		685,000
Total Appropriation, Division of Management and General Support		$1,914,000
Personal Services:		
Salaries and Wages	($1,453,000)	
Employee Benefits	(138,000)	

Materials and Supplies	(10,000)	
Special Purpose:		
Chapter II Block Grant	(42,000)	
Other Special Purpose	(46,000)	
Additions, Improvements and Equipment	(225,000)	
Total Appropriation, Department of Corrections		$3,783,000

34 DEPARTMENT OF EDUCATION

30 Educational, Cultural and Intellectual Development

31 Direct Educational Services and Assistance

03-5120 Miscellaneous Grants-In-Aid		$9,300,000
04-5062 Adult and Continuing Education		8,235,000
05-5063 Bilingual Education		144,000
05-5120 Bilingual Education		1,170,000
06-5063 Programs For At-Risk Pupils		2,743,000
06-5120 Programs For At-Risk Pupils		190,389,000
07-5065 Special Education.		21,583,000
07-5120 Special Education		76,566,000
Total Appropriation, Direct Educational Services and Assistance		$310,130,000
Personal Services:		
Salaries and Wages	($6,204,000)	
Employee Benefits	(1,843,000)	
Materials and Supplies	(621,000)	
Services Other Than Personal	(1,517,000)	
Maintenance and Fixed Charges	(653,000)	
Special Purpose:		
Adult Basic Education-Administrative	(4,000)	
Workplace Literacy Partnerships-Administration	(1,000)	
New Jersey Youth Corps	(1,000)	
Workforce Development	(3,000)	
Emergency Immigrants' Education-Assistance-Administrative	(3,000)	
Migrant Educational Program -Administration	(2,000)	
ECIA, Chapter I - Administration	(10,000)	
IDEA, Title VI (Handicapped), Administration	(80,000)	
Pre-School Incentive Grant -Administration	(11,000)	
Title VI-B LRC North	(11,000)	
Title VI-B LRC Central	(9,000)	
Title VI-B LRC South	(5,000)	
Title VI-B LRC North Satellite	(5,000)	
Deaf/Blind Children Services	(3,000)	
Preschool Regional T.A. Project LRC North	(56,000)	
Preschool Regional T.A. Project LRC Central	(6,000)	
Preschool Regional T.A. Project LRC South	(154,000)	
Training Personnel - P2R Special Education	(3,000)	
Preschool Incentive Grant-Child Find	(4,000)	
Other Special Purpose	(895,000)	
State Aid and Grants:		
ESEA, Chapter 2, Grant Programmatic	(9,300,000)	

Adult Basic Education-Administrative	(4,209,000)	
Adult Education - 353 Program Discretionary	(874,000)	
Workplace Literacy Partnerships-Discretionary	(400,000)	
State Legislation Impact Assistance Grant	(488,000)	
New Jersey Youth Corps	(886,000)	
Emergency Immigrants' Education Assistance - Program	(1,170,000)	
Migrant Educational Program-Administration	(800,000)	
ECIA, Chapter I, Disadvantaged	(184,000,000)	
Bilingual and Compensatory Education - Homeless Children and Youth	(667,000)	
ECIA, Chapter I, State Program Improvement Grants	(650,000)	
ECIA, Chapter I, Expenses for Private School Children	(2,576,000)	
Even Start Family Literacy Grant	(2,346,000)	
IDEA, Title VI (Handicapped), Administration	(2,915,000)	
ECIA, Chapter I, State Institutions, Handicapped	(1,351,000)	
IDEA, Title VI (Handicapped), Programmatic	(72,300,000)	
Preschool Incentive Grant Programmatic.	(12,260,000)	
Deaf/Blind Children Services	(117,000)	
New Jersey Partnership for Transition	(381,000)	
Additions, Improvements and Equipment	(336,000)	

32 Operation and Support of Educational Institutions

12-5011 Marie H. Katzenbach School for the Deaf		$305,000
Total Appropriation, Operation and Support of Educational Institutions		$305,000
Personal Services:		
Salaries and Wages	($202,000)	
Employee Benefits	(61,000)	
Materials and Supplies	(13,000)	
Services Other Than Personal	(3,000)	
Special Purpose:		
Other Special Purpose	(21,000)	
Additions, Improvements and Equipment		(5,000)

33 Supplemental Education and Training Programs

20-5062 General Vocational Education		$30,708,000
Total Appropriation, Supplemental Education and Training Programs		$30,708,000
Personal Services:		
Salaries and Wages	($2,948,000)	
Employee Benefits	(899,000)	
Materials and Supplies	(101,000)	
Services Other Than Personal	(418,000)	
Maintenance and Fixed Charges	(85,000)	
Special Purpose:		
Vocational Education - Basic Grants Administration	(633,000)	
Veterans' Readjustment Benefits	(20,000)	

Career Education--Research and Development Project Grant	(1,000)
Leadership-Consumer and Homemaking Education...	(2,000)
Other Special Purpose.............................	(362,000)
State Aid and Grants:	
Vocational Education - Community Based Organizations - Administration.	(293,000)
Vocational Education - Single Parent Title II, A - Discretionary...................	(1,917,000)
Vocational Education - Sex Bias, Title II, A	(800,000)
Consumer and Useful Homemaking-Discretionary......................................	(878,000)
Vocational Education Technical Preparation Title III-E	(3,207,000)
Vocational Education - Secondary Programmatic	(13,450,000)
Vocational Education, Post Secondary.....	(1,000,000)
Supplementary Facilities Equipment.......	(350,000)
Cooperative Construction Trades............	(120,000)
REACH/Jobs...	(170,000)
JTPA Title IIA - Adult Programmatic......	(1,806,000)
JTPA Title IIA - Youth Programmatic.....	(1,183,000)
Additions, Improvements and Equipment.....	(65,000)

34 Educational Support Services

30-5063 Educational Programs and Student Services		$14,701,000
30-5120 Educational Programs and Student Services		17,488,000
33-5067 Service to Local Districts		1,209,000
33-5091 Service to Local Districts		1,650,000
34-5067 Equal Educational Opportunity		794,000
37-5120 School Nutrition		132,146,000
Total Appropriation, Educational Support Services		$167,988,000
Personal Services:		
Salaries and Wages	($5,788,000)	
Employee Benefits..................................	(1,751,000)	
Materials and Supplies.................................	(299,000)	
Services Other Than Personal......................	(1,326,000)	
Maintenance and Fixed Charges..................	(27,000)	
Special Purpose:		
Chapter 2 - Administration.......................	(123,000)	
EESA, Title II-Administration	(4,000)	
Drug-Free Schools and Communities - Administration....................................	(4,000)	
AIDS Prevention Education-Administration	(26,000)	
Drug-Free Schools and Communities - Governor's Portion - Program Expenses	(2,000)	
Civil rights - Technical Assistance and Training	(5,000)	
Child Nutrition Programs - Administration	(76,000)	
Other Special Purpose.............................	(686,000)	

State Aid and Grants:		
ESEA, Chapter 2, Grant Administration	(736,000)	
Education for Economic Security Act (EESA)-Title II-Programmatic	(5,050,000)	
Drug-Free Schools and Communities - Administration	(620,000)	
Drug-Free Schools and Communities - Programmatic	(11,903,000)	
Substance Abuse Coordinator -Discretionary	(5,000,000)	
Statewide Systemic Initiative	(2,000,000)	
Good Starts	(2,500,000)	
Math/Science Framework (Eisenhower)	(145,000)	
Mathematics Curriculum Framework - (Eisenhower)	(134,000)	
Child Nutrition Programs -Programmatic	(85,000,000)	
Special Milk	(1,310,000)	
School Breakfast, Programmatic	(10,000,000)	
Child Care Food	(23,000,000)	
Child Care Sponsor Administration	(1,400,000)	
Cash for Commodities	(1,200,000)	
Summer food	(6,200,000)	
Summer Sponsor-Administration	(600,000)	
School Breakfast - Administration	(1,000,000)	
Additions, Improvements and Equipment	(73,000)	

35 Education Administration and Management

42-5120 School Finance		$478,000
43-5092 Compliance and Auditing		318,000
99-5010 Management and Administrative Services		276,000
Total Appropriation, Education Administration and Management		$1,072,000
Personal Services:		
Salaries and Wages	($543,000)	
Employee Benefits	(164,000)	
Materials and Supplies	(14,000)	
Services Other Than Personal	(26,000)	
Maintenance and Fixed Charges	(9,000)	
Special Purpose:		
Byrd Scholarship Program	(1,000)	
Other Special Purpose	(59,000)	
State Aid and Grants:		
Byrd Scholarship Program	(256,000)	

37 Cultural and Intellectual Development Services

51-5070 Library Services		$6,628,000
Total Appropriation, Cultural and Intellectual Development Services		$6,628,000
Personal Services:		
Salaries and Wages	($1,673,000)	
Employee Benefits	(504,000)	
Materials and Supplies	(76,000)	
Services Other Than Personal	(162,000)	

Maintenance and Fixed Charges	(18,000)	
Special Purpose:		
LSCA Title I-Administration	(22,000)	
LSCA Title III Interlibrary Cooperation	(3,000)	
Other Special Purpose	(101,000)	
State Aid and Grants:		
LSCA Title I-Administration	(714,000)	
LSCA Title III Interlibrary Cooperation	(487,000)	
LSCA Title II Programmatic	(450,000)	
Statewide Database	(400,000)	
Additions, Improvements and Equipment	(2,018,000)	
Total Appropriation, Department of Education		$516,831,000

42 DEPARTMENT OF ENVIRONMENTAL PROTECTION AND ENERGY

40 Community Development and Environmental Management

42 Natural Resource Management

11-4870 Forest Resource Management		$4,975,000
12-4875 Parks Management		7,875,000
13-4880 Hunters' and Anglers' License Fund		10,760,000
14-4885 Shellfish and Marine Fisheries Management		2,446,000
21-4895 Natural Resources Engineering		150,000
Total Appropriation, Natural Resource Management		$26,206,000
Personal Services:		
Salaries and Wages	($3,672,000)	
Employee Benefits	(857,000)	
Materials and Supplies	(771,000)	
Services Other Than Personal	(1,421,000)	
Maintenance and Fixed Charges	(1,071,000)	
Special Purpose:		
Forest Legacy	(1,500,000)	
Stewardship Administration	(10,000)	
Survey and Planning	(25,000)	
Historic Preservation - Acquisition and Development	(900,000)	
Maurice Wetlands Conservation	(1,300,000)	
Salem River Meadows	(2,000,000)	
Marine Fisheries Field Office Improvements	(10,000)	
Community Assistance Program	(150,000)	
Other Special Purpose	(1,115,000)	
State Aid and Grants:		
Rural Community Fire Protection	(40,000)	
Consolidated Forest Management	(452,000)	
Small Business Administration - Tree planting	(1,000,000)	
Survey and Planning - Operational / State Administration	(254,000)	
Additions, Improvements and Equipment	(9,658,000)	

43 Science and Technical Programs

01-4820 Radiation Protection		$1,229,000
02-4801 Air Pollution Control		2,240,000
04-4835 Pesticide Control		486,000
05-4840 Water Supply and Watershed Management		13,776,000
09-4860 Public Wastewater Facilities		193,000,000
17-4900 Solid Waste Resource Management		935,000
18-4810 Science and Research		1,035,000
22-4861 Water Quality Management		500,000
56-4801 Energy Resource Management		1,565,000
Total Appropriation, Science and Technical Programs		$214,766,000
Personal Services:		
Salaries and Wages	($6,044,000)	
Employee Benefits	(1,104,000)	
Materials and Supplies	(286,000)	
Services Other Than Personal	(1,162,000)	
Maintenance and Fixed Charges	(10,000)	
Special Purpose:		
Safe Drinking Water Act	(150,000)	
Drinking Water State Revolving Fund	(12,000,000)	
Clean Water State Revolving Fund	(82,000,000)	
Clean Streets/Clean Beaches.-Curriculum	(25,000)	
Clean Streets/Clean Beaches.-Story Book	(25,000)	
Clean Streets/Clean Beaches.-Video K-3.	(35,000)	
Emergency Planning Right To Know	(100,000)	
State/EPA Data Management Program	(100,000)	
National Geologic Mapping Program	(100,000)	
Heating Oil and Propane	(15,000)	
Other Special Purpose	(1,336,000)	
State Aid and Grants:		
Construction Loan Revolving Fund	(110,000,000)	
Additions, Improvements and Equipment	(274,000)	

44 Site Remediation

19-4815 Publicly-Funded Site Remediation		$100,000,000
23-4815 Hazardous Waste Management		340,000
27-4815 Responsible Party Site Remediation		7,800,000
Total Appropriation, Site Remediation		$108,140,000
Personal Services:		
Salaries and Wages(	($15,138,000)	
Employee Benefits	(4,411,000)	
Materials and Supplies	(106,000)	
Services Other Than Personal	(81,494,000)	
Maintenance and Fixed Charges	(120,000)	
Special Purpose:		
Underground Storage Tanks	(500,000)	
Other Special Purpose	(6,115,000)	
Additions, Improvements and Equipment	(256,000)	

45 Environmental Regulations

02-4892 Air Pollution Control		$1,260,000
15-4890 Land Use Regulation		4,450,000
16-4891 Water Monitoring and Planning		5,775,000
23-4910 Hazardous Waste Management		2,985,000
Total Appropriation, Environmental Regulations		$14,470,000
Personal Services:		
Salaries and Wages	($5,444,000)	
Employee Benefits	(1,166,000)	
Materials and Supplies	(274,000)	
Services Other Than Personal	(891,000)	
Maintenance and Fixed Charges	(3,000)	
Special Purpose:		
Comprehensive Wetlands Mitigation	(75,000)	
Communications - Pinelands	(25,000)	
Natural Resource Infrastructure Repair....	(1,000,000)	
Publicly Owned Treatment Works Diagnostics	(5,000)	
Monitoring and Planning	(200,000)	
Non-Point Source Implementation Grant.	(750,000)	
Small Business Pollution Prevention	(500,000)	
Pollution Prevention Incentive	(450,000)	
Other Special Purpose	(1,800,000)	
State Aid and Grants:		
Monitoring and Planning	(300,000)	
Additions, Improvements and Equipment	(1,587,000)	

46 Environmental Planning and Administration

26-4805 Regulatory and Governmental Affairs		$214,000
Total Appropriation, Environmental Planning and Administration		$214,000
Materials and Supplies	($13,000)	
Services Other Than Personal	(81,000)	
Special Purpose:		
Environmental Education	(100,000)	
Air Quality and Motor Vehicles	(20,000)	

47 Enforcement Policy

02-4855 Air Pollution Control		$3,500,000
07-4850 Water Monitoring and Planning		3,000,000
08-4855 Water Pollution Control		3,000,000
15-4855 Land Use Regulation		400,000
23-4855 Hazardous Waste Management		1,866,000
Total Appropriation, Enforcement Policy		$11,766,000
Personal Services:		
Salaries and Wages	($7,074,000)	
Positions Funded From A Special Purpose Appropriation	(36,000)	
Employee Benefits	(329,000)	
Materials and Supplies	(135,000)	
Services Other Than Personal	(3,661,000)	
Maintenance and Fixed Charges	(12,000)	

Special Purpose:		
Other Special Purpose	(477,000)	
Additions, Improvements and Equipment	(42,000)	

52 Economic Regulation

54-4927 Utility Regulation		$250,000
Total Appropriation, Economic Regulation		$250,000
Personal Services:		
Salaries and Wages	($144,000)	
Employee Benefits	(58,000)	
Services Other Than Personal	(6,000)	
Maintenance and Fixed Charges	(21,000)	
Special Purpose:		
Other Special Purpose	(21,000)	
Total Appropriation, Department of Environmental Protection and Energy.		$375,812,000

46 DEPARTMENT OF HEALTH

20 Physical and Mental Health

21 Health Services

01-4215 Vital Statistics		$523,000
02-4220 Family Health Services		146,558,000
03-4230 Epidemiology, Environmental and Occupational Health Services		14,144,000
04-4240 Alcoholism, Drug Abuse and Addiction Services		51,156,000
08-4280 Laboratory Services		482,000
12-4245 AIDS Services		18,316,000
Total Appropriation, Health Services		$231,179,000
Personal Services:		
Salaries and Wages	($21,153,000)	
Employee Benefits	(6,119,000)	
Materials and Supplies	(1,332,000)	
Services Other Than Personal	(9,195,000)	
Maintenance and Fixed Charges	(285,000)	
Special Purpose:		
Supplemental Food Program--W.I.C.	(93,368,000)	
Substance Abuse Block Grant	(1,200,000)	
Other Special Purpose	(6,901,000)	
State Aid and Grants:		
Family Health Services Grants	(8,076,000)	
Preventive Health and Health Services Block Grant - Family Health Services	(2,696,000)	
Maternal and Child Health Block Grant	(7,318,000)	
Substance Abuse Block Grant	(400,000)	
Parental and Child Health-Energy Block Grant	(333,000)	
Prevention Disabilities	(65,000)	
Supplemental Food Program--W.I.C.	(13,000,000)	
HIV/AIDS Prevention Education Grant	(52,000)	
Social Services Block Grant--Family Planning	(1,867,000)	

Family Planning Program--Title X	(2,577,000)	
Epidemiology and Disease Control Grants	(5,968,000)	
Preventive Health and Health Services Block Grant-Epidemiology, Environmental and Occupational Health Services	(177,000)	
Comprehensive AIDS Prevention and Surveillance Grant	(54,000)	
HIV/AIDS Prevention Education Grant	(15,000)	
Alcoholism, Drug Abuse and Addictive Services Grants	(2,586,000)	
Preventive Health and Health Services Block Grant-Alcoholism, Drug Abuse and Addiction Services	(245,000)	
Community Youth Block Grant	(45,000)	
Substance Abuse Block Grant	(28,858,000	
Social Services Block Grant--Alcohol Rehabilitation Program	(637,000)	
Drug Abuse Campus Treatment Demonstration Project	(5,323,000)	
AIDS Services Grants	(10,816,000)	
Additions, Improvements and Equipment	(518,000)	

22 Health Planning and Evaluation

06-4260 Health Facilities Evaluation		$3,436,000
10-4265 Health Facilities Inspection Services		6,300,000
Total Appropriation, Health Planning and Evaluation		$9,736,000
Personal Services:		
Salaries and Wages	($5,074,000)	
Employee Benefits	(1,414,000)	
Materials and Supplies	(66,000)	
Services Other Than Personal	(586,000)	
Maintenance and Fixed Charges	(352,000)	
Special Purpose:		
Other Special Purpose	(1,753,000)	
State Aid and Grants:		
Preventive Health and Health Services Block Grant	(94,000)	
Pediatric EMS System Development for New Jersey	(173,000)	
Emergency Medical Services Training Project - Highway Safety	(32,000)	
Additions, Improvements and Equipment	(192,000)	

25 Health Administration

87-4210 Office of Health Policy and Research		$200,000
Total Appropriation, Health Administration		$200,000
State Aid and Grants:		
Preventive Health and Health Services Block Grant	($200,000)	
Total Appropriation, Department of Health		$241,115,000

50 DEPARTMENT OF HIGHER EDUCATION

30 Educational, Cultural and Intellectual Development

36 Higher Educational Services

5400 Office of the Chancellor

04-5400 Student Financial Support Services		$2,362,000
05-5400 Student Financial Assistance Administration		16,565,000
99-5400 Management and Administrative Services		12,966,000
Total Appropriation, Office of the Chancellor		$31,893,000
Personal Services:		
Salaries and Wages	($7,854,000)	
Employee Benefits	(2,251,000)	
Materials and Supplies	(499,000)	
Services Other Than Personal	(4,018,000)	
Maintenance and Fixed Charges	(764,000)	
Special Purpose:		
Other Special Purpose	(1,228,000)	
State Aid and Grants:		
State Student Incentive Grant Program	(1,898,000)	
Paul Douglas Teaching Scholarship	(464,000)	
Vocational Education	(4,456,000)	
College Bound	(58,000)	
Eisenhower Mathematics and Science Education Act	(1,760,000)	
National Community Service - Serve America	(469,000)	
National Community Service - Planning Grant	(3,800,000)	
National Community Service - New Jersey Youth Corps	(903,000)	
National Community Service - Innovative Projects	(190,000)	
National Health Service Corps - State Loan Repayment Program	(560,000)	
Additions, Improvements and Equipment	(721,000)	
Total Appropriation, Department of Higher Education		$31,893,000

54 DEPARTMENT OF HUMAN SERVICES

20 Physical and Mental Health

23 Mental Health Services

7700 Division of Mental Health and Hospitals

08-7700 Community Services		$11,350,000
10-7730 Patient Care and Health Services		145,000
10-7740 Patient Care and Health Services		61,000
99-7700 Management and Administrative Services		125,000
Total Appropriation, Division of Mental Health and Hospitals		$11,681,000
Personal Services:		
Salaries and Wages	($534,000)	
Employee Benefits	(118,000)	

Special Purpose:		
New Jersey Consumer Movement Initiative	(138,000)	
New Jersey HRD Psychosocial Rehabilitation Academic Linkage Project	(125,000)	
Other Special Purpose	(36,000)	
State Aid and Grants:		
Projects for Assistance in Transition from Homelessness	(1,373,000)	
Mental Health Block Grant Supplemental	(200,000)	
Block Grant Mental Health Services	(9,157,000)	

24 Special Health Services

7540 Division of Medical Assistance and Health Services

21-7540 Health Services Administration and Management		$44,905,000
22-7540 General Medical Services		2,068,492,000
Total Appropriation, Division of Medical Assistance and Health Services		$2,113,397,000
Personal Services:		
Salaries and Wages	($17,382,000)	
Employee Benefits	(97,000)	
Materials and Supplies	(175,000)	
Services Other Than Personal	(4,240,000)	
Maintenance and Fixed Charges	(2,283,000)	
Special Purpose:		
Payments to Fiscal Agents	(17,182,000)	
Eligibility Determination	(2,850,000)	
Affirmative Action and Equal Employment Opportunity	(18,000)	
Professional Standards Review Organization--Utilization Review	(453,000)	
State Aid and Grants:		
Garden State Health Plan	(38,114,000)	
Medical Assistance	(1,630,362,000)	
Peer Grouping	(43,388,000)	
Hospital Health Care Subsidy	(81,550,000)	
Community Care Programs for Elderly and Disabled	(46,844,000)	
Community Care Programs for Elderly and Disabled - Expansion	(4,500,000)	
Maternal & Child Health Expansion	(25,594,000)	
Medicaid Expansion to Age 19 and 100% of Poverty	(2,816,000)	
Medicaid expansion to 185% of Poverty	(11,600,000)	
Medicaid expansion SOBRA	(183,724,000)	
Additions, Improvements and Equipment	(225,000)	

30 Educational, Cultural and Intellectual Development

32 Operation and Support of Educational Institutions

7600 Division of Developmental Disabilities

99-7600 Management and Administrative Services	$5,097,000
Total Appropriation, Division of Developmental Disabilities	$5,097,000

Personal Services:		
Salaries and Wages	($4,941,000)	
Materials and Supplies	(6,000)	
Services Other Than Personal.......................	(22,000)	
Maintenance and Fixed Charges..................	(42,000)	
Special Purpose:		
Foster Grandparents	(86,000)	

7601 Community Programs

01-7601 Purchased Residential Care		$66,258,000
02-7601 Social Supervision and Consultation		11,513,000
03-7601 Adult Activities		33,932,000
04-7601 Education and Day Training...........		475,000
Total Appropriation, Community Programs		$112,178,000
Personal Services:		
Salaries and Wages	($12,764,000)	
State Aid and Grants:		
Community Care Waiver, Title XIX........	(63,437,000)	
Community Care Waiver, Expansion.......	(486,000)	
Developmental Disabilities Council.........	(1,192,000)	
Day Care Services...................................	(439,000)	
Work-Study Training Program for Caseworkers	(1,538,000)	
Citizens' Advocacy Program...................	(176,000)	
Intermediate Care Facilities-Mental Retardation	(32,146,000)	

7610 Green Brook Regional Center

05-7610 Residential Care and Habilitation...		$2,958,000
06-7610 Health Services..............................		718,000
07-7610 Education and Training		634,000
98-7610 Physical Plant and Support Services		918,000
99-7610 Management and Administrative Services		577,000
Total Appropriation, Green Brook Regional Center		$5,805,000
Personal Services:		
Salaries and Wages	($5,805,000)	

7620 Vineland Developmental Center

05-7620 Residential Care and Habilitation...		$14,968,000
06-7620 Health Services		3,905,000
98-7620 Physical Plant and Support Services		1,241,000
99-7620 Management and Administrative Services		610,000
Total Appropriation, Vineland Developmental Center		$20,724,000
Personal Services:		
Salaries and Wages	($20,724,000)	

7630 North Jersey Developmental Center

05-7630 Residential Care and Habilitation...		$5,172,000
06-7630 Health Services		2,458,000
98-7630 Physical Plant and Support Services		476,000
99-7630 Management and Administrative Services		769,000
Total Appropriation, North Jersey Developmental Center		$8,875,000

Personal Services:		
Salaries and Wages	($8,875,000)	

7640 Woodbine Developmental Center

05-7640 Residential Care and Habilitation...		$8,954,000
06-7640 Health Services		1,976,000
98-7640 Physical Plant and Support Services		1,488,000
99-7640 Management and Administrative Services		798,000
Total Appropriation, Woodbine Developmental Center		$13,216,000
Personal Services:		
Salaries and Wages	($13,216,000)	

7650 New Lisbon Developmental Center

05-7650 Residential Care and Habilitation...		.$14,119,000
06-7650 Health Services		5,835,000
98-7650 Physical Plant and Support Services		2,034,000
99-7650 Management and Administration....		838,000
Total Appropriation, New Lisbon Developmental Center		$22,826,000
Personal Services:		
Salaries and Wages	($22,826,000)	

7660 Woodbridge Developmental Center

05-7660 Residential Care and Habilitation...		$11,900,000
06-7660 Health Services..............................		725,000
98-7660 Physical Plant and Support Services		382,000
99-7660 Management and Administrative Services		1,290,000
Total Appropriation, Woodbridge Developmental Center		$14,297,000
Personal Services:		
Salaries and Wages	($14,297,000)	

7670 Hunterdon Developmental Center

05-7670 Residential Care and Habilitation...		$6,545,000
06-7670 Health Services		1,215,000
98-7670 Physical Plant and Support Services		1,525,000
99-7670 Management and Administrative Services		927,000
Total Appropriation, Hunterdon Developmental Center		$10,212,000
Personal Services:		
Salaries and Wages	($10,212,000)	

7690 North Princeton Developmental Center

05-7690 Residential Care and Habilitation...		$6,812,000
06-7690 Health Services		1,058,000
98-7690 Physical Plant and Support Services		965,000
99-7690 Management and Administrative Services		844,000
Total Appropriation, North Princeton Developmental Center		$9,679,000
Personal Services:		
Salaries and Wages	($9,679,000)	

33 Supplemental Education and Training Programs

7560 Commission for the Blind and Visually Impaired

11-7560 Habilitation and Rehabilitation.......		$6,832,000
12-7560 Instruction, Community Programs and Prevention		1,048,000

99-7560 Management and Administrative Services		1,348,000
Total Appropriation, Commission for the Blind and Visually Impaired		$9,228,000
Personal Services:		
Salaries and Wages	($4,236,000)	
Employee Benefits	(162,000)	
Materials and Supplies	(185,000)	
Services Other Than Personal	(615,000)	
Maintenance and Fixed Charges	(264,000)	
State Aid and Grants:		
Vocational Rehabilitation-Independent Living, Title VII, Part A	(69,000)	
Social Security Administration Reimbursement to Enhance the Vocational Rehabilitation	(600,000)	
Independent Living - Supported Employment	(190,000)	
Independent Living - Part C, Older Blind	(238,000)	
Vocational Rehabilitation--Direct Service	(1,972,000)	
Social Services Block Grant	(319,000)	
Additions, Improvements and Equipment	(378,000)	

50 Economic Planning, Development and Security
53 Economic Assistance and Security
7550 Division of Family Development

15-7550 Income Maintenance Management.		$602,418,000
Total Appropriation, Division of Family Development		$602,418,000
Personal Services:		
Salaries and Wages	($9,315,000)	
Employee Benefits	(9,000)	
Materials and Supplies	(312,000)	
Services Other Than Personal	(9,388,000)	
Maintenance and Fixed Charges	(1,410,000)	
Special Purpose:		
Electronic Benefit Transfer/Distribution System	(350,000)	
AFDC Transitional Housing Demonstration	(942,000)	
Affirmative Action and Equal Employment Opportunity	(8,000)	
Jobs Opportunities Basic Skills Training Program Title IV-A	(22,718,000)	
Jobs Opportunities Basic Skills Training Program Title IV-F	(30,909,000)	
Title IV-A At Risk Child Care	(8,323,000)	
Parents Fair Share Program - Title IV-D..	(375,000)	
Title IV-F	(153,000)	
State Aid and Grants:		
FSA Grant to Improve Child Care Licensing and Registration	(379,000)	
Administration Expenses to Counties - Assistance Programs	(70,455,000)	
Dependent Children Assistance	(280,110,000)	

Energy Assistance Program	(42,570,000)
County Administrative Expenses -	
Food Stamp Program	(46,662,000)
Title XIX	(29,337,000)
Social Services Block Grant	(22,840,000)
Title IV-D	(16,632,000)
Low Income Energy Assistance Program	(4,251,000)
Refugee Resettlement/Cuban Haitian Entrant Program	(110,000)
IV-D CSP Payments to CPD and County Sheriff	(2,000,000)
Refugee Resettlement Program	(1,100,000)
Supplemental Security Income - Title XIV	(400,000)
Food Stamp Employment -Transportation	(1,350,000)
Additions, Improvements and Equipment	(10,000)

55 Social Services Programs

7570 Division of Youth and Family Services

16-7570 Initial Response/Case Management		$36,547,000
17-7570 Substitute Care		27,183,000
18-7570 General Social Services		49,755,000
99-7570 Management and Administrative Services		16,748,000
Total Appropriation, Division of Youth and Family Services		$130,233,000
Personal Services:		
Salaries and Wages	($33,470,000)	
Employee Benefits	(36,000)	
Materials and Supplies	(2,439,000)	
Services Other Than Personal	(10,482,000)	
Maintenance and Fixed Charges	(11,493,000)	
State Aid and Grants:		
Title XIX (Other Residential)	(263,000)	
Title XIX (Residential/Group Home)	(3,114,000)	
Title XIX (Special Home Services Providers)	(3,100,000)	
Title XIX (Subsidized Adoption)	(1,046,000)	
Title XIX (Foster Care)	(2,847,000)	
Title IV-E (Residential/Group Home)	(1,404,000)	
Title IV-E (Special Home Services Providers)	(1,600,000)	
Title IV-E (Subsidized Adoption)	(1,421,000)	
Title IV-E (Foster Care)	(4,988,000)	
Title IV-B (Residential/Group Home)	(128,000)	
Title IV-B (Special Home Services Providers)	(101,000)	
Title IV-B (Subsidized Adoption)	(117,000)	
Title IV-B (Foster Care)	(328,000)	
Title XIX (Family Support Services)	(100,000)	
Title IV-E (Family Support Services)	(648,000)	
Title IV-B (Family Support Services)	(71,000)	
Title IV-A (Emergency Assistance to Families)	(3,000,000)	
Initial Response/Case Management	(1,134,000)	
Family Life Center 2	(200,000)	
Grassroots Adoptive Families	(80,000)	
Multi-Purpose Resource Center	(450,000)	
Newark Reunification Project	(100,000)	

National Conference FY91	(100,000)	
Family Violence Prevention and Services	(270,000)	
Dependent Care Planning and Development	(450,000)	
Carri Crisis Nursery Project	(270,000)	
SHSP Respite Program	(270,000)	
National Center for Child Abuse and Neglect	(1,016,000)	
Title XIX	(220,000)	
Title IV-B Child Welfare Services	(15,000)	
Low Income Energy Assistance	(19,000)	
Purchase of Service Contracts	(1,069,000)	
Title XIX Children in Residential Centers	(183,000)	
General Social Services	(124,000)	
Child Care and Development Block Grant	(15,993,000)	
State Legalization Impact Assistance Grant	(1,502,000)	
Office of Refugee Resettlement-Social Services	(1,483,000)	
Targeted Assistance Disabilities Grant	(632,000)	
JOB Links Disability Grant	(300,000)	
Refugee Cash Management Unaccompanied Minors	(1,462,000)	
Low Income Energy Assistance - Purchase of Service	(6,000)	
Independent Living (Title IV-E)	(2,386,000)	
Purchase of Service Contracts	(8,536,000)	
SSBG Day Care	(5,859,000)	
Title IV A/E	(738,000)	
Pediatric Aids Grant Project	(400,000)	
Children's Justice Act	(388,000)	
National Center For Child Abuse and Neglect	(536,000)	
Child Abuse and Neglect State Grant - Disabled infants	(210,000)	
Child Care and Development Block Grant	(27,000)	
Additions, Improvements and Equipment	(1,609,000)	

56 Juvenile Services

7591 New Jersey Training School for Boys

33-7591 Education Programs		$352,000
Total Appropriation, New Jersey Training School for Boys		$352,000
Personal Services:		
Salaries and Wages	($269,000)	
Employee Benefits	(51,000)	
Special Purpose:		
Title I, Elementary Secondary Education Act, Jamesburg	(32,000)	

7592 Juvenile Medium Security Center

33-7592 Education Programs		$111,000
Total Appropriation, Juvenile Medium Security Center		$111,000
Personal Services:		
Salaries and Wages	($111,000)	

7593 Juvenile Community Programs

34-7593 Juvenile Rehabilitation		$1,296,000
Total Appropriation, Juvenile Community Programs		$1,296,000
Personal Services:		
Salaries and Wages	($789,000)	
Employee Benefits	(73,000)	
Materials and Supplies................................	(234,000)	
Special Purpose:		
Elizabeth and Union Day Program...........	(200,000)	

70 Government Direction, Management and Control

76 Management and Administration

7500 Division of Management and Budget

87-7500 Research, Policy and Planning		$2,170,000
99-7500 Management and Administrative Services		23,398,000
Total Appropriation, Division of Management and Budget..		$25,568,000
Personal Services:		
Salaries and Wages	($466,000)	
Employee Benefits	(11,832,000)	
Special Purpose:		
Challenge Grant (Children's Trust Fund).	(366,000)	
Office of Prevention................................	(661,000)	
Head Start State Collaboration Project.....	(33,000)	
Title XIX, ICF-MR	(1,028,000)	
Adult Basic Education Program..............	(140,000)	
ECIA, Chapter I-State Institutions-Handicapped.......................................	(298,000)	
Chapter 2 Block Grant	(40,000)	
ECIA, Chapter I-Neglected and Delinquent	(170,000)	
Early Intervention Compliance	(93,000)	
Title IV-A, Aid to Families With Dependent Children............................	(492,000)	
Automated Child Support Enforcement Program	(299,000)	
Title IV-B, Child Welfare Services..........	(134,000)	
Title IV-E, Foster Care............................	(288,000)	
Low Income Energy Assistance Block Grant	(70,000)	
Community Care Waiver	(6,000)	
Title XIX, ICF-MR	(3,627,000)	
Title XIX, Medical Assistance.................	(2,400,000)	
Refugee Resettlement Program...............	(18,000)	
Social Service Block Grant......................	(2,323,000)	
Vocational Rehabilitation Act, Section 120	(148,000)	
Food Stamp Program...............................	(447,000)	
REACH - Title IV-F	(119,000)	
Other Special Purpose.............................	(70,000)	
Total Appropriation, Department of Human Services		$3,117,193,000

62 DEPARTMENT OF LABOR

50 Economic Planning, Development and Security

51 Economic Planning and Development

18-4570 Planning and Research		$6,270,000
99-4565 Management and Administrative Services		12,236,000
Total Appropriation, Economic Planning and Development................................		$18,506,000
Personal Services:		
Salaries and Wages	($11,489,000)	
Compensation Awards	(9,000)	
Employee Benefits..................................	(3,300,000)	
Materials and Supplies	(156,000)	
Services Other Than Personal.......................	(2,021,000)	
Maintenance and Fixed Charges...................	(1,121,000)	
Special Purpose:		
Occupational Informational Coordinating Program	(6,000)	
Career Information Military.....................	(4,000)	
Other Special Purpose.............................	(97,000)	
State Aid and Grants:		
Occupational Informational Coordinating Program	(3,000)	
Additions, Improvements and Equipment	(300,000)	

52 Economic Regulation

12-4550 Enforcement of Workplace Standards		$1,342,000
Total Appropriation, Economic Regulation		$1,342,000
Personal Services:		
Salaries and Wages	($811,000)	
Employee Benefits..................................	(239,000)	
Materials and Supplies	(14,000)	
Services Other Than Personal.......................	(28,000)	
Maintenance and Fixed Charges..................	(131,000)	
Special Purpose:		
OSHA On-Site Consultation....................	(94,000)	
Other Special Purpose.............................	(25,000)	

53 Economic Assistance and Security

01-4510 Unemployment Insurance..............		$86,182,000
02-4515 Disability Determination		36,050,000
Total Appropriation, Economic Assistance and Security		$122,232,000
Personal Services:		
Salaries and Wages	($74,201,000)	
Employee Benefits..................................	(17,147,000)	
Materials and Supplies	(453,000)	
Services Other Than Personal.......................	(10,199,000)	
Maintenance and Fixed Charges..................	(9,158,000)	
Special Purpose:		
Old Age and Survivors' Insurance-- Disability Determination	(3,845,000)	
Other Special Purpose.............................	(375,000)	

State Aid and Grants:		
Old Age and Survivors' Insurance-- Disability Determination	(5,988,000)	
Additions, Improvements and Equipment	(866,000)	

54 Manpower and Employment Services

07-4535 Vocational Rehabilitation Services.		$34,246,000
09-4545 Employment Services		33,791,000
10-4545 Employment Development Services		82,322,000
Total Appropriation, Manpower and Employment Services		$150,359,000
Personal Services:		
Salaries and Wages	($29,411,000)	
Compensation Awards	(304,000)	
Employee Benefits	(8,777,000)	
Materials and Supplies	(252,000)	
Services Other Than Personal	(3,984,000)	
Maintenance and Fixed Charges	(6,070,000)	
Special Purpose:		
Vocational Rehabilitation Services	(700,000)	
Rehabilitation In-Service Training	(52,000)	
Rehabilitation of Supplemental Security Income Beneficiaries	(800,000)	
Job Training Partnership Act	(685,000)	
Defense Retraining - Title III-D	(1,135,000)	
Other Special Purpose	(1,025,000)	
State Aid and Grants:		
DVR Independent Living Program-Part B	(343,000)	
Vocational Rehabilitation Services	(13,356,000)	
Comprehensive Services For Independent Living	(260,000)	
Technology Related Assistance Project	(548,000)	
Supported Employment	(533,000)	
Vocational Rehabilitation - Integrated Employ	(465,000)	
Vocational Rehabilitation Services - Basic Support Program	(115,000)	
Trade Adjustment Assistance Projects	(3,578,000)	
Job Training Partnership Act--Title II-A, Training Services For the Disadvantaged	(44,928,000)	
Job Training Partnership Act--Title II-B, Summer Youth Employment and Training Program	(19,000,000)	
Job Training Partnership Act-- Title III, Dislocated Workers	(13,582,000)	
Job Training Partnership Act--Title IV, Federally Administered Programs.	(200,000)	
Additions, Improvements and Equipment	(256,000)	
Total Appropriation, Department of Labor		$292,439,000

66 DEPARTMENT OF LAW AND PUBLIC SAFETY

10 Public Safety and Criminal Justice

11 Vehicular Safety

03-1160 Driver Control and Regulatory Affairs		$8,489,000
Total Appropriation, Vehicular Safety		$8,489,000
Personal Services:		
Salaries and Wages	($145,000)	
Employee Benefits	(54,000)	
Materials and Supplies	(9,000)	
Services Other Than Personal	(41,000)	
Maintenance and Fixed Charges	(57,000)	
Special Purpose:		
Fatal Accident Reporting System - Control	(75,000)	
Alcohol Incentive Program	(981,000)	
Public Safety Answering Points 911	(750,000)	
DHTS 403 Contracts	(30,000)	
Motorcycle/Occupant Protection Program	(700,000)	
Drunk Driver Prevention Program	(800,000)	
Other Special Purpose	(28,000)	
State Aid and Grants:		
Federal Highway Safety Program-State Match	(3,569,000)	
DHTS 403 Contracts	(250,000)	
Trauma research HTS	(1,000,000)	

12 Law Enforcement

06-1200 Patrol Activities and Crime Control		$668,000
08-1200 Emergency Services		12,667,000
09-1020 Criminal Justice		19,620,000
24-1200 Marine Police Operations		1,100,000
24-1200 Management and Administrative Services		80,000
Total Appropriation, Law Enforcement		$34,135,000
Personal Services:		
Salaries and Wages	($1,884,000)	
Cash in Lieu of Maintenance	(5,000)	
Employee Benefits	(541,000)	
Materials and Supplies	(191,000)	
Services Other Than Personal	(516,000)	
Maintenance and Fixed Charges	(69,000)	
Special Purpose:		
Operation Roadside	(500,000)	
Domestic Marijuana Eradication Suppression	(100,000)	
Heavy Truck Enforcement	(68,000)	
Emergency Management Training and Education - State Match	(48,000)	
Maintenance and Services	(400,000)	
FEMA State Assistance Program	(200,000)	
Earthquake Preparedness Grant	(150,000)	
Radiological Systems Maintenance	(50,000)	
Hazard Mitigation Program	(25,000)	

Environmental Hazardous Material Computerization Grant	(97,000)	
Hazardous Materials Transportation Uniform Safety Act	(320,000)	
FEMA Grant - Winter Storm March 1993 Snow	(8,000,000)	
Juvenile justice Administration and Grants	(1,384,000)	
Medicaid Fraud Unit	(54,000)	
Victim Assistance Grants	(2,100,000)	
JJDP Advisory Board	(16,000)	
Drug Enforcement Administration and Grants	(12,500,000)	
Office of Justice Grant - Violent Crimes	(300,000)	
U.S. Attorney General Office - Violent Crimes Reduction Grant	(950,000)	
Recreational Boating Safety Financial Assistance	(1,100,000)	
Institute of Museum Services Grant	(80,000)	
Other Special Purpose	(82,000)	
State Aid and Grants:		
Maintenance and Services	(350,000)	
Emergency Management Assistance Program	(700,000)	
Emergency Management Assistance Program - Local Jurisdictions	(1,300,000)	
Additions, Improvements and Equipment	(55,000)	

80 Special Government Services

82 Protection of Citizens' Rights

16-1350 Protection of Civil Rights		$584,000
19-1440 Violent Crimes Compensation		1,442,000
Total Appropriation, Protection of Citizens' Rights		$2,026,000
Personal Services:		
Salaries and Wages	($584,000)	
Special Purpose:		
Victim Compensation Award	(1,442,000)	
Total Appropriation, Department of Law and Public Safety		$44,650,000

67 DEPARTMENT OF MILITARY AND VETERANS' AFFAIRS

10 Public Safety and Criminal Justice

14 Military Services

30-3620 Physical Plant and Support Services		$7,485,000
40-3620 New Jersey National Guard Support Services		1,902,000
Total Appropriation, Military Services		$9,387,000
Personal Services:		
Salaries and Wages	($3,416,000)	
Employee Benefits	(960,000)	
Materials and Supplies	(1,806,000)	
Services Other Than Personal	(1,464,000)	
Maintenance and Fixed Charges	(582,000)	

Special Purpose:		
Training and Equipment Pool Sites..........	(131,000)	
Service Contracts	(112,000)	
Other Special Purpose.............................	(1,000)	
Additions, Improvements and Equipment	(915,000)	

80 Special Government Services

83 Services To Veterans

50-3610 Veterans' Outreach and Assistance.		$100,000
Total Appropriation, Services To Veterans		$100,000
Personal Services:		
Salaries and Wages	($30,000)	
Special Purpose:		
Transitional Outreach Programs and Services	(70,000)	
Total Appropriation, Department of Military and Veterans' Affairs		$9,487,000

70 DEPARTMENT OF THE PUBLIC ADVOCATE

80 Special Government Services

82 Protection of Citizens' Rights

01-8310 Mental Health Advocacy................		$497,000
01-8330 Dispute Settlement		148,000
04-8410 Trial Services to Indigents and Special Programs		49,000
08-8350 Advocacy for the Developmentally Disabled		721,000
Total Appropriation, Protection of Citizens' Rights		$1,415,000
Personal Services:		
Salaries and Wages	($781,000)	
Employee Benefits..................................	(222,000)	
Materials and Supplies	(27,000)	
Services Other Than Personal.......................	(105,000)	
Maintenance and Fixed Charges..................	(23,000)	
Special Purpose:		
Other Special Purpose.............................	(257,000)	
Total Appropriation, Department of the Public Advocate		$1,415,000

74 DEPARTMENT OF STATE

30 Educational, Cultural and Intellectual Development

37 Cultural and Intellectual Development Services

05-2530 Support of the Arts		$929,000
06-2535 Museum Services		163,000
Total Appropriation, Cultural and Intellectual Development Services		$1,092,000
Personal Services:		
Salaries and Wages	($176,000)	
Materials and Supplies	(16,000)	
Services Other Than Personal.......................	(54,000)	
Maintenance and Fixed Charges..................	(2,000)	
Special Purpose:		
Folk Arts Program	(25,000)	
Cultural Diversity Program......................	(56,000)	

Arts in School	(13,000)	
Southern New Jersey Arts Initiative	(56,000)	
Institute of Museum Services - General Support Grant	(113,000)	
National Endowment for the Humanities Afro-American life in New Jersey	(50,000)	
Other Special Purpose	(13,000)	
State Aid and Grants:		
Basic Block Grant	(362,000)	
Arts in School	(154,000)	
Additions, Improvements and Equipment	(2,000)	

70 Government Direction, Management and Control
74 General Government Services
2505 Office of the Secretary of State

08-2545 Records Management		$100,000
Total Appropriation, Office of the Secretary of State		$100,000
Special Purpose:		
NEH New Jersey Newspaper Project	($100,000)	
Total Appropriation, Department of State		$1,192,000

78 DEPARTMENT OF TRANSPORTATION
60 Transportation Programs
61 State Highway Facilities

02-6200 Transportation Systems Improvements-Planning		$21,600,000
10-6200 Interstate Program		75,351,000
28-6200 Demonstration Program		70,323,000
29-6200 Congestion Mitigation and Air Quality Program		43,911,000
36-6200 National Highway System		78,671,000
37-6200 Surface Transportation Program		98,884,000
40-6200 Bridge Program		138,724,000
65-6200 Rail Freight Lines		1,000,000
71-6200 Transportation Systems Improvements		500,000
72-6200 Discretionary Program		109,950,000
Total Appropriation, State Highway Facilities		$638,914,000
Special Purpose:		
Metropolitan Planning Funds	($5,100,000)	
Highway Planning and Research	(13,500,000)	
Rail Freight Lines Hazardous Materials	(1,000,000)	
New Jersey Statewide Public Transportation Grant (NJ 09-8007)	(3,000,000)	
Supportive Services Highway Construction Training Program	(500,000)	

Route	Section	Description	County	Amount
10-6200 INTERSTATE PROGRAM				
1.	CONSTRUCTION			
	A.	Federal share of Federal/NJ Turnpike financed projects		
		Annual set-aside for NJ Turnpike	Bergen	(6,000,000)
	B.	Federally financed projects		
1	3H	New interchange at Scudders Mill road	Middlesex	(13,770,000)
80	F	Eastbound lanes between Saddle River Road and Summit Ave.; design, rehabilitation	Bergen	(4,450,000)
287	8N9R	Passaic River to Route 24 (Madison Ave.), widening and HOV lane	Morris	(7,490,000)
287	9S10V	South Street to north of Route 24 Freeway, HOV lane	Morris	(6,420,000)
287	(10)	Wetlands site #3	Passaic	(10,000,000)
287 80	10W11M 3AH	Route 24 Freeway to Route I-80, widening and HOV lane	Morris	(14,980,000)
		Interstate preventive maintenance	Various	(3,000,000)
		Interstate resurfacing	Various	(7,000,000)
2.	DESIGN/ENGINEERING			
	Federally financed projects			
80	(8)	Upgrade signs	Morris Warren	(400,000)
287	5T6N 7H	Route I-78 to Passaic River, widening and HOV lane	Somerset	(1,341,000)
3. RIGHT-OF-WAY				
	Federally financed projects			
287	(10)	Wetlands site #3	Passaic	(500,000)
Special Purpose:				
28-6200 DEMONSTRATION PROGRAM				
1.	CONSTRUCTION			
	Federally financed projects			
46	14L	Bridge over Passaic River, rehabilitation	Bergen Passaic	(15,100,000)
46 20	14M 4P	Interchange improvements at interchange of Route 46 and Route 20 (Crooks Ave.)	Passaic	(22,800,000)
280	(9)	Interchange improvements at Edwards Road/New Road interchange	Morris	(573,000)

2. DESIGN/ENGINEERING

Federally financed projects

		Intelligent vehicle and highway systems (IVHS) improvements	Various	(350,000)
1	7L	Garden State Parkway south, ramp to Route 1 north	Middlesex	(1,400,000)
4	(11)	Garden State Parkway to Farview Ave., Route 4 and Route 17 interchange, rehabilitation	Bergen	(4,500,000)
21	(6)	NJ Transit bridge over Route 21, replacement	Essex	(1,900,000)
78	5CD	West Peddie Street ramps	Essex	(2,100,000)
280		Newark downtown connector	Essex	(500,000)

3. PLANNING

Federally financed projects

		Timber bridge research program	Various	(1,000,000)

4. ENVIRONMENTAL MITIGATION

Federally financed projects

21F	(1)	Monroe Street to Route 46, highway on new alignment	Passaic	(5,100,000)

5. STATEWIDE INVESTMENTS

A. Federal share of Federal/Transportation Trust Fund financed projects

		Transcom; metropolitan New York region traffic management system	Various	(9,000,000)

B. Federally financed projects

		Electronic toll and traffic management system	Various	(6,000,000)

Special Purpose:

29-6200 CONGESTION MITIGATION AND AIR QUALITY PROGRAM

1. CONSTRUCTION

Federally financed projects

		MAGIC - Phase 1; Routes 80, 46, 4, 3, and 280	Various	(18,643,000)
		Traffic Signal No. 25; Route 37	Ocean	(3,799,000)

2. DESIGN/ENGINEERING

Federally financed projects

		Traffic signal No.24; Route 35 and Route 88	Monmouth Ocean	(2,375,000)

Traffic signal No.28; Routes 9, 30 & 40/322	Atlantic	(1,305,000)
Traffic signal No.29; Route 439	Union	(1,305,000)

3. STATEWIDE INVESTMENTS

A. Federal share of Federal/Transportation Trust Fund financed projects

Park and ride program, HOV program, ridesharing program (DOT & NJT)	Various	(4,000,000)
Transportation management association program (DOT & NJT)	Various	(3,000,000)

B. Federally financed projects

Employer trip reduction program	Various	(1,700,000)
Local initiatives	Various	(2,000,000)
Traffic operations center (North)	Various	(1,500,000)
Traffic operations center (South)	Various	(3,284,000)
Enhanced vehicle inspection and maintenance	Various	(1,000,000)

Special Purpose;
36-6200 NATIONAL HIGHWAY SYSTEM

1. CONSTRUCTION

Federally financed projects

1	2L	Quaker Bridge Road to Alexander Road, widening and new interchange	Mercer	(31,140,000)
3	3W	Bridge over Berry's Creek, rehabilitation	Bergen	(15,700,000)
80	5AU 11K	Eastbound local lanes only, Vreeland Ave. exit to east of Hackensack River bridge, rehabilitation	Bergen	(11,563,000)
206	2E 18D	North of Bartley Road to south of Flanders Bartley Road, rehabilitation and railroad bridge replacement	Morris	(4,943,000)

2. DESIGN/ENGINEERING

Federally financed projects

18	(3)	Connection to I-287	Middlesex	(1,600,000)
287	6M	Routes 202 and 206, ramp relocation	Somerset	(445,000)

3. RIGHT-OF-WAY

Federally financed projects

18	(3)	Connection to I-287	Middlesex	(9,630,000)

4.	PROJECT DEVELOPMENT			
	Federally financed projects			
1	(1)A	Intersection improvement at Franklin Corner Road	Mercer	(500,000)
10	(4)A	Ledgewood Circle improvements	Morris	(100,000)
5.	ENVIRONMENTAL MITIGATION			
	Federally financed projects			
70	2G	West of I-295 to east of Springdale Road, wetlands mitigation	Camden	(1,550,000)
6.	STATEWIDE INVESTMENTS			
	Federally financed projects			
		Technology investment and training	Various	(1,500,000)
Special Purpose:				
37-6200	SURFACE TRANSPORTATION PROGRAM			
1.	CONSTRUCTION			
	A. Federal share of Federal/Transportation Trust Fund financed projects			
		Rail - highway grade crossing program	Various	(3,000,000)
	B. Federally financed projects			
		Fairton - Port Norris Road (CR 553) from Cedarville-Millville Road (CR 610) to south of Rockville Road (CR 657), rehabilitation and reconstruction	Cumberland	(4,494,000)
		Lackawanna Ave. from Union Ave. to Browertown Road, road rehabilitation and bridge replacement	Passaic	(8,453,000)
21		Newark roadside scenic improvements	Essex	(500,000)
47	6A7A 8E	County Route 670 to West Creek Road, rehabilitation	Cumberland	(7,413,000)
47	10D	Broad Street to south of Route 55 Freeway, rehabilitation	Cumberland	(1,908,000)
208	1E2F 3U	Cedar Hill Ave. to High Mountain Road, rehabilitation	Bergen	(10,959,000)
517		Route 15 interchange to Station Road, highway on new alignment	Sussex	(10,764,000)
		Hazard elimination	Various	(5,600,000)
		Metrication program	Various	(250,000)
		State highway sign upgrade	Various	(5,000,000)
		Transportation enhancement projects	Various	(6,000,000)

2.	DESIGN/ENGINEERING			
	Federally financed projects			
		Final design, Local Aid	Various	(4,000,000)
		Safety management system	Various	(1,750,000)
3.	RIGHT-OF-WAY			
	Federally financed projects			
		Houses Corner Road, realignment of intersection with Route 15, and improvements on approaches	Sussex	(696,000)
9	12D	Intersection improvements at Bethel Road and Ocean Heights Blvd.	Atlantic	(80,000)
70	3H	Medford Circle elimination	Burlington	(107,000)
4.	PROJECT DEVELOPMENT			
	Federally financed projects			
		Transportation Development District Plan	Mercer	(250,000)
40	(2)	Malaga Lake dam over Scotland Run, replacement	Gloucester	(300,000)
		Project development, Local Aid	Various	(2,500,000)
		Project development, Metropolitan Planning Organizations	Various	(3,000,000)
		Project development, Regional design	Various	(2,000,000)
5.	PLANNING			
	Federally financed projects			
		Access to Meadowlands Sports Complex	Bergen	(200,000)
		Newark transportation plan	Essex	(1,000,000)
6.	ENVIRONMENTAL MITIGATION			
	Federally financed projects			
		Hoes Lane, Section #4, wetlands mitigation	Middlesex	(3,210,000)
7.	STATEWIDE INVESTMENTS			
	Federally financed projects			
18		Cultural history public education program on the Route 18 area	Middlesex	(250,000)
		Contingency and claims	Various	(10,000,000)
		Contract compliance supportive services	Various	(500,000)
		Traffic data collection	Various	(2,000,000)
		Minority and female employment opportunities in construction	Various	(500,000)
		Pavement management system	Various	(2,200,000)

Special Purpose:
40-6200 BRIDGE PROGRAM

1. CONSTRUCTION

Federally financed projects

		Broadway bridge over Newtown Creek, replacement	Camden	(2,729,000)
		East Dukes Parkway bridge, replacement	Somerset	(1,605,000)
		East Hanover Ave. bridge over NJ Transit/Conrail, replacement	Morris	(8,239,000)
		Hawkins Road bridge over Rancocas River, reconstruction	Burlington	(1,873,000)
		Libertyville - Plumbstock Road bridge over Clover Brook, replacement	Sussex	(1,605,000)
		Porches Mill Road bridge	Gloucester Salem	(1,338,000)
		Blackwell Street bridge over NJ Transit Boonton Line	Morris	(1,000,000)
		Lincoln Mill Road bridge over Oldmans Creek,Salem replacement	Gloucester	(1,070,000)
		Maple Ave. bridge over Robinson's Branch of Rahway River, rehabilitation	Union	(1,284,000)
		Morris Ave. bridges #82 and 83 over Rockaway River and Morris Canal, replacement	Morris	(5,885,000)
		New Street bridge over Manalapan Brook, replacement	Middlesex	(1,177,000)
		Old Mount Pleasant Ave. bridge over Passaic River, replacement	Essex	(2,675,000)
		Union Ave. bridge over Molly Ann's Brook, rehabilitation	Passaic	(1,128,000)
		Vincentown - South Park Road bridge over Burrs Mill Brook, replacement	Burlington	(615,000)
		West Fifth Ave. bridge over Delaware Otsego Railroad, rehabilitation	Union	(1,177,000)
3	3W	Bridge over Berry's Creek, rehabilitation	Bergen	(32,600,000)
23	5D	Two southbound bridges over Pequannock River, vicinity of Clinton Road, rehabilitation	Morris Passaic	(3,758,000)
167	1C	Loveland Thorofare and Cramers Creek, remove bridge pilings	Burlington	(279,000)

287	2P	Stelton Road, Washington Ave., and Old New Brunswick Road over I-287, rehabilitation	Middlesex	(9,462,000)
287	4Q3Q	I-287 over Route 22 bridges, rehabilitation	Somerset	(12,486,000)
287 202 206	5U4P 1H	Route 206 over I-287, rehabilitation	Somerset	(6,112,000)
		Bridge painting	Various	(15,000,000)
2.	RIGHT-OF-WAY			
	Federally financed projects			
		Arch Street bridge over Passaic River, rehabilitation	Passaic	(50,000)
		Bogert Road bridge and culvert over Saddle River, replacement	Bergen	(385,000)
		Camp Meeting Ave. bridge, replacement	Somerset	(54,000)
		Cranbury Neck Road bridge over Millstone River, replacement	Mercer Middlesex	(535,000)
		Doty Road bridge over Ramapo River, replacement	Bergen	(428,000)
		East Dukes Parkway bridge, replacement	Somerset	(43,000)
		Hillcrest Road bridge over Passaic River, replacement	Somerset	(64,000)
		Valley View Road bridge over Old Paterson/Hamburg Turnpike, elimination	Passaic	(54,000)
21		Advance property relocation associated with Route 21(2) viaduct	Essex	(6,000,000)
130	1J1K	Bridges over Little Timber Creek and south branch of Newton Creek	Camden	(214,000)
3.	PROJECT DEVELOPMENT			
	Federally financed projects			
31		Bridge over south branch of Raritan River, replacement	Hunterdon	(500,000)
		Project development, Bridge projects	Various	(4,000,000)
4.	STATEWIDE INVESTMENTS			
	Federally financed projects			
		Bridge inspection	Various	(13,000,000)
		Bridge management system	Various	(300,000)

Special Purpose:

72-6200 DISCRETIONARY PROGRAM

Federally financed projects

Hamilton Intermodal Facility, Bus garage	Mercer	(23,000,000)
TRANSCOM South (DRPA)	Various	(1,000,000)
Atlantic City Expressway, Electronic toll and traffic management program	Various	(3,000,000)
Garden State Parkway, Smart Cards	Various	(3,000,000)
MAGIC Phase 3 (Part 1)	Various	(22,900,000)
Gateway National Recreation Area, transportation improvements	Monmouth	(5,400,000)
Delaware Water Gap National Recreation Area, transportation improvements	Warren Sussex	(9,500,000)
Trenton Complex Scenic Overlook	Mercer	(50,000)
Edwin B. Forsythe National Wildlife Refuge	Atlantic	(700,000)
Pinelands National Reserve	Atlantic Burlington	(3,000,000)
Urban Planning Demonstration Project, Five New Jersey cities	Various	(5,000,000)
Loan for Interstate-80 and Garden State Parkway interchange reconstruction	Bergen	(10,000,000)
N.J. Turnpike, Intelligent Vehicle Highway System Initiatives	Various	(3,000,000)
Interstate-280 Downtown Connector interim improvements, Newark	Essex	(2,000,000)
Interstate-78 Downtown Connector, Newark	Essex	(4,400,000)
N.J. Highway Authority, Mass transit/"Horizontal Elevator" Project	Various	(3,000,000)
N.J. Highway Authority, Debit Card	Various	(1,000,000)
N.J. Highway Authority, Deploy additional variable message signs	Various	(1,500,000)
N.J. Highway Authority, Alternate bus route expansion	Various	(2,000,000)
N.J. Highway Authority, Information signing/ telecommunications	Various	(1,500,000)
N.J. Turnpike Authority, Interface graphics surveillance with TRANSCOM	Various	(5,000,000)

62 Public Transportation

29-6310 Congestion Mitigation and Air Quality Program	$10,000,000
37-6310 Surface Transportation Program.....	8,250,000
40-6310 Bridge Program	2,100,000
96-6310 Federal Transit Administration.......	330,180,000
Total Appropriation, Public Transportation	$350,530,000

Special Purpose:
29-6310 CONGESTION MITIGATION AND AIR QUALITY PROGRAM
PROJECT DEVELOPMENT
Federally financed projects

NJ Transit Experimental services	Various	($5,000,000)
NJ Transit South Jersey transit initiative	Various	(5,000,000)

Special Purpose:
37-6310 SURFACE TRANSPORTATION PROGRAM
CONSTRUCTION
A. Federal share of Federal/Transportation Trust Fund financed projects

NJ Transit Hoboken Terminal	Hudson	(2,500,000)
NJ Transit Rail passenger stations and terminals	Various	(750,000)

B. Federally financed projects

NJ Transit Newark Penn Station	Essex	(5,000,000)

Special Purpose:
40-6310 BRIDGE PROGRAM
DESIGN/ENGINEERING
Federally financed projects

NJ Transit Overhead bridges	Various	(2,100,000)

Special Purpose:
96-6310 FEDERAL TRANSIT ADMINISTRATION
1. CONSTRUCTION
A. Federal share of Federal/Transportation Trust Fund financed projects

NJ Transit Tunnel and bridge rehabilitation	Various	(14,100,000)
NJ Transit Signals and communication/electric traction system	Various	(8,500,000)
NJ Transit Rail support facilities and equipment	Various	(17,600,000)
NJ Transit Rail passenger stations and terminals	Various	(9,400,000)
NJ Transit Arrow II remanufacture	Various	(44,380,000)
NJ Transit Track rehabilitation	Various	(19,500,000)
NJ Transit Market Street bus maintenance facility	Passaic	(32,000,000)

B. Federally financed projects

NJ Transit Atlantic City bus maintenance facility	Atlantic	(21,000,000)
NJ Transit Wayne bus maintenance facility	Passaic	(1,820,000)
NJ Transit Newark City subway	Essex	(6,000,000)
NJ Transit Accessibility for people with disabilities, high level rail platforms and stations	Various	(15,350,000)
NJ Transit New York, Susquehanna and Western (NYS&W), bridge rehabilitation and Paterson station improvements	Sussex	(4,500,000)
NJ Transit Waterfront transit hubs	Hudson	(9,070,000)
NJ Transit Secaucus transfer station	Hudson	(36,740,000)
NJ Transit Penn Station, New York improvements	New York	(1,800,000)

2. DESIGN/ENGINEERING

Federally financed projects

NJ Transit Big Tree bus maintenance facility	Essex	(600,000)
NJ Transit Fairview bus maintenance facility	Bergen	(600,000)
NJ Transit Waterfront corridor transit project	Hudson	(12,400,000)
NJ Transit Newark - Elizabeth rail link and maintenance facility	Essex Union	(14,460,000)

3. RIGHT-OF-WAY

Federally financed projects

NJ Transit Hamilton transit complex	Mercer	(6,600,000)

4. PROJECT DEVELOPMENT

Federal share of Federal/Transportation Trust Fund financed projects

NJ Transit Studies	Various	(4,000,000)

5. STATEWIDE INVESTMENTS

Federal share of Federal/Transportation Trust Fund financed projects

NJ Transit Building capital leases	Atlantic Essex Hudson	(8,880,000)
NJ Transit Administrative support/ information services	Various	(1,880,000)

NJ Transit Private carrier capital improvement program	Various	(1,000,000)

6. OPERATING ASSISTANCE

NJ Transit Operating Assistance	Various	(38,000,000)

64 Regulation and General Management

05-6070 Access and Use Management		$18,000,000
Total Appropriation, Regulation and General Management		$18,000,000
Special Purpose:		
Airport Fund	($14,000,000)	
Motor Carrier Safety Assistance Program	(4,000,000)	
Total Appropriation, Department of Transportation		$1,007,444,000

98 THE JUDICIARY

10 Public Safety and Criminal Justice

15 Judicial Services

05-9730 Family Courts		$45,807,000
11-9760 Field Operations		28,000
Total Appropriation, Judicial Services		$45,835,000
Personal Services:		
Salaries and Wages	($1,610,000)	
Employee Benefits	(472,000)	
Materials and Supplies	(20,000)	
Services Other Than Personal	(61,000)	
Maintenance and Fixed Charges	(10,000)	
Special Purpose:		
Early Court Intervention: A Research and Demonstration Project	(23,000)	
Other Special Purpose	(28,000)	
State Aid and Grants:		
Child Support and Paternity Program, Title IV-D	(43,602,000)	
Additions, Improvements and Equipment	(9,000)	
Total Appropriation, The Judiciary		$45,835,000

PETROLEUM OVERCHARGE REIMBURSEMENT FUND

22 DEPARTMENT OF COMMUNITY AFFAIRS

50 Economic Planning, Development and Security

55 Social Services Programs

05-8050 Community Resources		$2,500,000
Total Appropriation, Social Services Programs		$2,500,000
Special Purpose:		
Stripper Well Oil Overcharge	($2,500,000)	
Total Appropriation, Department of Community Affairs		$2,500,000

42 DEPARTMENT OF ENVIRONMENTAL PROTECTION AND ENERGY

40 Community Development and Environmental Management

43 Science and Technical Programs

56-4801 Energy Resource Management		$3,700,000
Total Appropriation, Science and Technical Programs		$3,700,000
Special Purpose:		
Stripper Well ICP....................................	($1,600,000)	
PORF Grants to Units of Local Government	(900,000)	
PORF Administrative Costs	(300,000)	
PORF Loans for Energy Conservation Projects	(900,000)	
Total Appropriation, Department of Environmental Protection and Energy		$3,700,000
Total Appropriation, Petroleum Overcharge Reimbursement Fund		$6,200,000
Total Appropriation, Federal Funds.....		$5,964,990,000

Notwithstanding any State law to the contrary, no State agency shall accept or expend federal funds except as appropriated by the Legislature or otherwise provided in this act.

In addition to the federal funds appropriated in this act, there are appropriated the following federal funds, subject to allotment by the Director of the Division of Budget and Accounting: emergency disaster aid funds; pass-through grants to political subdivisions of the State over which the State is not permitted to exercise discretion in the use or distribution of the funds and for which no State matching funds are required; the first 25 percent of unanticipated grant awards, and up to 25 percent of increases in previously anticipated grant awards for which no State matching funds are required except, for the purpose of this section, federal funds received by one executive agency that are ultimately expended by another executive agency shall not be considered pass-through grants; grants to State colleges, Rutgers, The State University, the University of Medicine and Dentistry of New Jersey, and the New Jersey Institute of Technology for research or other scholarly activity not related to expansion of course curricula; federal financial aid funds for students attending post secondary educational institutions in excess of the amount specifically appropriated; provided however, that the Director of the Division of Budget and Accounting shall notify the Legislative Budget and Finance Officer of such grants; and all other grants of $200,000 or less which have been awarded competitively.

For the purposes of federal funds appropriations, "political subdivisions of the State" means counties, municipalities, school districts, or agencies thereof, regional, county or municipal authorities, or districts other than interstate authorities or districts; "discretion" refers to any action in which an agency may determine either the amount of funds to be allocated or the recipient of the allocation; and "grants" refers to one-time, or time limited awards, which are received pursuant to submission of a grant application in competition with other grant applications.

The accounts receivable balances of federal funds as of June 30, 1993 are reestablished and appropriated for the same purposes, the expenditure of which shall be subject to the approval of the Director of the Division of Budget and Accounting who shall inform the Legislative Budget and Finance Officer by September 1, 1993 of accounts receivable balances which are established and reappropriated.

The unexpended balances of federal funds as of June 30, 1993 are appropriated for the same purposes. The Director of the Division of Budget and Accounting shall inform the Legislative Budget and Finance Officer by November 1, 1993 of any unexpended balances which are reappropriated.

The Director of the Division of Budget and Accounting shall promulgate and enforce uniform accounting procedures applicable to all State agencies receiving and expending federal funds.

The appropriate executive agencies shall prepare and submit to the Senate Budget and Appropriations Committee and the Assembly Appropriations Committee, or their successors, by March 1, 1994, reports on proposed expenditures during Fiscal Year 1995 for the following federal programs: the alcohol, drug abuse and mental health block grant; the education block grant; the community services block grant; the job training partnership block grant; the low income energy assistance block grant; the maternal and child health block grant; the preventive health and health services block grant; the small cities block grant; the social services block grant; and the child care block grant. These reports shall account for all federal, State and local funds which are anticipated to be expended on block grant programs, shall provide an accounting of block grant expenditures during the prior fiscal year, and shall provide a detailed list of contracts awarded to provide service under the block grants.

The amounts hereinabove appropriated are available, subject to the approval of the Director of the Division of Budget and Accounting, for the payment of obligations and the reimbursement of expenditures applicable to prior fiscal years.

Grand Total Appropriation, All Funds	$21,431,937,000

2. The Director of the Division of Budget and Accounting shall make such correction of the title, text or account number of an appropriation necessary to make such appropriation available in accordance with legislative intent. Such correction shall be by written ruling, reciting in appropriate detail the facts thereof, and reasons therefor, attested by the signature of the Director of the Division of Budget and Accounting and filed in the Division of Budget and Accounting of the Department of the Treasury as an official record thereof, and any action thereunder, including disbursement and the audit thereof, shall be legally binding and of full force and virtue. An official copy of each such written ruling shall be transmitted to the Legislative Budget and Finance Officer, upon the effective date of the ruling.

3. There are appropriated, subject to allotment by the Director of the Division of Budget and Accounting and with the approval of the Legislative Budget and Finance Officer, private contributions, revolving funds and dedicated funds received, receivable or estimated to be received for the use of the State or its agencies in excess of those anticipated, unless otherwise provided herein, and the unexpended balances as of June 30, 1993 of such funds, subject to the approval of the Director of the Division of Budget and Accounting.

4. There are appropriated, subject to allotment by the Director of the Division of Budget and Accounting, the following: sums required to refund amounts credited to the State Treasury which do not represent State revenue; sums received representing insurance to cover losses by fire and other casualties and the unexpended balance as of June 30, 1993 of such sums; sums received by any State department or agency from the sale of equipment, when such sums are received in lieu of trade-in value in the replacement of such equipment; and sums received in the State Treasury representing refunds of payments made from appropriations provided in this act.

5. There are appropriated, subject to allotment by the Director of the Division of Budget and Accounting, sums required to satisfy receivables previously established from which non-reimbursable costs and ineligible expenditures have been incurred.

6. There are appropriated, subject to allotment by the Director of the Division of Budget and Accounting, from federal or other non-State sources amounts not to exceed the cost of services necessary to document and support retroactive claims.

7. There are appropriated such sums as may be required for the collection of debts owed to the State, subject to allotment by the Director of the Division of Budget and Accounting.

8. The unexpended balances as of June 30, 1993 in the accounts of the several departments and agencies heretofore appropriated or established in the category of Additions, Improvements and Equipment are appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

9. Unless otherwise provided, balances remaining as of June 30, 1993 in accounts of appropriations enacted subsequent to April 1, 1993 are appropriated.

10. a. To permit flexibility in the handling of appropriations, any department or agency that receives an appropriation by law, may, subject to the provisions of this section, or unless otherwise provided in this act, apply to the Director of the Division of Budget and Accounting for permission to transfer funds from one item of appropriation to a different item of appropriation. For the purposes of this section, "item of appropriation" means the spending authority identified by an organization code, fund code, as defined by the appropriation unit, and program code, as defined by the appropriation unit, unique to the item. If the director consents to the transfer, the amount transferred shall be credited by the director to the designated item of appropriation and notice thereof shall be provided to the Legislative Budget and Finance Officer on the effective date of the approved transfer. However, the director, after consenting thereto, shall submit the following transfer requests to the Legislative Budget and Finance Officer for legislative approval or disapproval unless otherwise provided in this act:

(1) Requests for the transfer of State and other nonfederal funds, in amounts greater than $300,000, to or from any item of appropriation;

(2) Requests for the transfer of State funds, in amounts greater than $300,000, to or from any account within an item of appropriation in which the unexpended balances are reappropriated in this act, or which is otherwise designated as a carry-forward account;

(3) Requests for the transfer of State and other nonfederal funds, in amounts greater than $8,000, to or from any Special Purpose or Grant account within an item of appropriation, from or to a different item of appropriation;

(4) Requests for the transfer of State and other nonfederal funds, in amounts greater than $8,000, to or from any Special Purpose or Grant account in which the identifying organization code, fund code, as defined by the appropriation unit, and program code, as defined by the appropriation unit, remain the same, provided that the transfer would effect a change in the legislative intent of the appropriations;

(5) Requests for the transfer of State funds, in amounts greater than $8,000, between items of appropriation in different departments or between items of appropriation in different appropriation classifications herein entitled as Direct State Services, Grants-In-Aid, State Aid, Capital Construction and Debt Service;

(6) Requests for the transfer of federal funds, in amounts greater than $8,000, from one item of appropriation to another item of appropriation, if the amount of the transfer to an item in combination with the amount of the appropriation to that item would result in an amount in excess of the appropriation authority for that item;

(7) Requests for the transfer of federal funds, in amounts greater than $8,000, to or from any Special Purpose or State Aid and Grants account within an item of appropriation, from or to a different item of appropriation;

(8) Requests for the transfer of federal funds, in amounts greater than $8,000, to or from any Special Purpose or State Aid and Grants account, in which the identifying organization code, fund code and program code remain the same, provided that the transfer would effect a change in the legislative intent of the appropriations; and

(9) Requests for such other transfers as are appropriate in order to ensure compliance with the legislative intent of this act.

b. The Joint Budget Oversight Committee or its successor may review all transfer requests submitted for legislative approval and may direct the Legislative Budget and Finance Officer to approve or disapprove any such transfer request. Transfers submitted for legislative approval pursuant to paragraph (5) of subsection a. of this section shall be made only if approved by the Legislative Budget and Finance Officer at the direction of the committee.

c. The Legislative Budget and Finance Officer shall approve or disapprove requests for the transfer of funds submitted for legislative approval within 10 working days of the physical receipt thereof and shall return them to the director. If any provision of this act or any supplement thereto requires the Legislative Budget and Finance Officer to approve or disapprove requests for the transfer of funds, the request shall be deemed to be approved by the Legislative Budget and Finance Officer if, within 20 working days of the physical receipt of the request, he has not disapproved the request and so notified the requesting officer. However, this time period shall not pertain to any transfer request under review by the Joint Budget Oversight Committee or its successor, provided notice of such review has been given to the director.

d. No amount appropriated for any capital improvement shall be used for any temporary purpose except extraordinary snow removal or extraordinary transportation maintenance. However, an amount from any appropriation for an item of capital improvement may be transferred to any other item of capital improvement subject to the approval of the director, and, if in an amount greater than $300,000, subject to the approval of the Legislative Budget and Finance Officer.

e. The provisions of subsections a. through d. of this section shall not apply to appropriations made to the Legislative branch of State government. To permit flexibility in the handling of these appropriations, amounts may be transferred to and from the various items of appropriation by the appropriate officer or his designee with notification given to the director on the effective date thereof.

f. Notwithstanding any provisions of this section to the contrary, transfers to and from the Special Purpose appropriation to the Governor for emergency and necessity under the State Contingency Fund and transfers from the appropriations to the various accounts in the category of Salary and Other Benefits, both in the Inter-Departmental Accounts, shall not be subject to legislative approval or disapproval.

11. When the duties or responsibilities of any department or branch, except for the Legislature and any of its agencies, are transferred to any other department or branch, it shall be the duty of the Director of the Division of Budget and Accounting and he is hereby empowered to transfer funds appropriated for the maintenance and operation of any such department or branch to such department or branch as shall be charged with the responsibility of administering the functions so transferred. The Director of the Division of Budget and Accounting shall have the authority to create such new accounts as may be necessary to carry out the intent of the transfer. Information copies of such transfers shall be transmitted to the Legislative Budget and Finance Officer upon the effective date thereof. If such transfers may be required among

appropriations made to the Legislature and its agencies, the Legislative Budget and Finance Officer, subject to the approval of the President of the Senate and the Speaker of the General Assembly, is hereby empowered and it shall be his duty to effect such transactions hereinabove described and to notify the Director of the Division of Budget and Accounting upon the effective date thereof.

12. The Director of the Division of Budget and Accounting is empowered and it shall be his duty in the disbursement of funds for payment of expenses classified as employee benefits, debt service, rent, leased telephone, motor pool, insurance, postage, lease payments on equipment purchases and compensation awards to credit or transfer to the Department of the Treasury, to an Inter-Departmental account, or to the General Fund, as applicable, from any other department, branch or non-State fund source out of funds appropriated thereto, such sums as may be required to cover the costs of such payment attributable to such other department, branch or non-State fund source as the Director of the Division of Budget and Accounting shall determine. Receipts in any non-State funds are appropriated for the purpose of such transfer.

13. The Director of the Division of Budget and Accounting is empowered to establish revolving and dedicated funds as required. Notice of the establishment of such funds shall be transmitted to the Legislative Budget and Finance Officer, upon the effective date thereof.

14. The Governor is empowered to direct the State Treasurer to transfer from any State department to any other State department such sums as may be necessary for the cost of any emergency occasioned by aggression, civil disturbance, sabotage, disaster, or for flood loss expenses for State owned structures to comply with Federal Insurance Administration requirements.

15. Upon request of any department receiving non-State funds, the Director of the Division of Budget and Accounting is empowered to transfer such funds from that department to other departments as may be charged with the responsibility for the expenditure thereof.

16. From appropriations to the various departments of State government, the Director of the Division of Budget and Accounting is empowered to transfer sums sufficient to pay any obligation due and owing in any other department or agency.

17. Notwithstanding the provision of any other law, the State Treasurer may transfer from any fund in his custody, deposited with him pursuant to law, sufficient sums to enable payments from any appropriation made herein for any obligations due and owing. Any such transfer shall be restored out of the taxes or other revenue received in the Treasury in support of this act. Except for transfers from the several funds whose statutes provide for interest earnings to accrue to the fund, all such transfers shall be without interest. When the statute provides for interest earnings, it shall be calculated at the average rate of earnings during the fiscal year from the State's general investments.

18. Unless otherwise provided, federal grant and project receipts representing reimbursement for agency and central support services, indirect and administrative costs, as determined by the Director of the Division of Budget and Accounting, shall be transmitted to the Department of the Treasury for credit to the General Fund; provided however, that a portion of the indirect and administrative cost recoveries received which are in excess of the amount anticipated may be reclassified into a dedicated account and returned to State departments and agencies, as determined by the Director of the Division of Budget and Accounting, who shall notify the Legislative Budget and Finance Officer of the amount of such funds returned, the departments or agencies receiving such funds and the purpose for which such funds will be used, within 10 working days of any such transaction. Such receipts shall be forwarded to the Director of the Division of Budget and Accounting upon completion of the project or at the end of the fiscal year, whichever occurs earlier.

19. Notwithstanding the provisions of P.L.1954, c.48 (C.52:34-6 et seq.), sums appropriated for services for the various State departments and agencies may be expended for the purchase of contract services from the New Jersey Marine Sciences Consortium and New Jersey Education Computer Network (NJECN) as if they were State government agencies pursuant to subsection (a) of section 5 of P.L.1954, c.48 (C.52:34-10); provided however, that any expenditure with NJECN shall be subject to the prior approval of the Director of the Division of Budget and Accounting.

20. The Director of the Division of Budget and Accounting may settle any claim not exceeding $250 due and owing to the State.

21. Notwithstanding any other provisions of this act, the State Treasurer, upon warrant of the Director of the Division of Budget and Accounting, shall pay any claim not exceeding $1,000 out of any appropriations made to the several departments, provided such claim is recommended for payment by the head of such department. The Legislative Budget and Finance Officer shall be notified of the amount and description of any such claim at the time such payment is made. Any claimant who has presented a claim not exceeding $1,000, which has been denied or not recommended by the head of such department, shall be precluded from presenting said claim to the Legislature for consideration.

22. Out of the appropriations herein, the Director of the Division of Budget and Accounting is empowered to approve payments to liquidate any unrecorded liabilities for materials delivered or services rendered in prior fiscal years, upon the written recommendation of any department head, or his designated representative. The Director of the Division of Budget and Accounting shall reject any recommendations for payment which he deems improper.

23. The Director of the Division of Budget and Accounting may, upon application therefor, allot from appropriations made to any official, department, commission or board, a sum to establish a petty cash fund for the payment of expenses under rules and regulations established by the director. Allotments thus made by the Director of the Division of Budget and Accounting shall be paid to such person as shall be designated as the custodian thereof by the official, department, commission or board making a request therefor, and the money thus allotted shall be disbursed by such custodian who shall require a receipt therefor from all persons obtaining money from the fund. The director shall make regulations governing disbursement from petty cash funds.

24. The Legislative Budget and Finance Officer with the cooperation and assistance of the Director of the Division of Budget and Accounting is authorized to adjust this appropriations bill to reflect any reorganizations which have been implemented since the presentation of the Governor's Budget Recommendation Document dated February 9, 1993.

25. State agencies shall prepare and submit a copy of their agency or departmental budget requests for Fiscal Year 1995 by October 1, 1993 and a copy of their spending plans involving all State, federal and other non-State funds to the Director of the

Division of Budget and Accounting and the Legislative Budget and Finance Officer by November 1, 1993, and updated spending plans on February 1, and May 1, 1994. The spending plans shall account for any changes in departmental spending which differ from this appropriation act and all supplements to this act. The spending plans shall be submitted on forms specified by the Director of the Division of Budget and Accounting.

26. The Director of the Division of Budget and Accounting is empowered to transfer or credit appropriations to any State agency for services provided, or to be provided, by that agency to any other agency or department; provided further, however, that funds have been appropriated or allocated to such agency or department for the purpose of purchasing these services.

27. The Director of the Division of Budget and Accounting shall provide the Legislative Budget and Finance Officer with copies of all BB-4s, Application for Non-State funds, and accompanying project proposals or grant applications, with the exception of research grants awarded to State colleges, which do not require a State match and which will not commit or require State support after the grant's expiration, prior to the director's approval or disapproval of the application.

28. Notwithstanding the provisions of P.L.1943, c.188 (C.52:14-17.1 et seq.), the rate of reimbursement for mileage allowed for employees traveling by personal automobile on official business shall be $.25 per mile.

29. Notwithstanding any other provisions in this act, no unexpended balances as of June 30, 1993 are appropriated without the approval of the Director of the Division of Budget and Accounting, except that the Legislative Branch of State government shall be exempt from this provision.

30. There are appropriated, subject to the approval of the Director of the Division of Budget and Accounting, from interest earnings of the various bond funds, such sums as may be necessary for the State to comply with the federal "Tax Reform Act of 1986," Pub.L.99-514 (26 U.S.C. §1 et seq.) which requires issuers of tax-exempt debt obligations to rebate any arbitrage earnings to the federal government.

31. In order to provide effective cash flow management for revenues and expenditures of the General Fund and the Property Tax Relief Fund to implement the Fiscal Year 1994 annual appropriations act, there are appropriated from the General Fund such sums as may be required to pay the principal of and interest on tax and revenue anticipation notes including notes in the form of commercial paper (hereinafter collectively referred to as short-term notes), together with any costs or obligations relating to the issuance thereof or contracts related thereto, according to the terms set forth herein. Provided further that, to the extent that short-term notes are issued for cash flow management purposes in connection with the Property Tax Relief Fund, there are appropriated from the Property Tax Relief Fund such sums as may be required to pay the principal of those short-term notes.

32. The State Treasurer, with the approval of the Joint Budget Oversight Committee, is authorized to issue in Fiscal Year 1994 short-term notes, which notes shall not constitute a general obligation of the State or a debt or a liability within the meaning of the State Constitution. Such short-term notes shall mature and be paid in Fiscal Year 1994 and the State Treasurer is authorized to pay any costs or obligations relating to the issuance of such short-term notes or contracts relating thereto. Such short-term notes shall be issued in such amounts and at such times during Fiscal Year 1994 as the State Treasurer shall deem necessary for the above stated purposes and for the payment of related costs, and on such terms and conditions, sold in such manner and at such prices, bearing interest at such fixed or variable rate or rates, renewable at such time or times, and entitled to such security, and using such paying agents as shall be determined by the State Treasurer. The State Treasurer is authorized to enter into such contracts and to take such other actions, all as determined by the State Treasurer to be appropriate to carry out the above cash flow management purposes. Whenever the State Treasurer issues such short-term notes, the State Treasurer shall report on each such issuance to the Chairman of the Senate Budget and Appropriations Committee and the Chairman of the Assembly Appropriations Committee.

33. Such sums as may be necessary are appropriated from delinquent tax judgments, delinquent student loans, administrative fines and penalties, unclaimed property, escheats, overpayments of State entitlements and other debts owing to the

State or its agencies collected or recovered by the Division of Taxation and the Unclaimed Property/Escheats Unit in the Department of the Treasury or by the Division of Law in the Department of Law and Public Safety or any other unit of State government to fund the cost of auditors, attorneys and other staff and other costs in such divisions or units incurred in order to collect or recover these funds, subject to the approval of the Director of the Division of Budget and Accounting. The Director of the Division of Budget and Accounting shall provide the Joint Budget Oversight Committee or its successor, with written reports on January 1, 1994, March 1, 1994 and July 1, 1994 of the amount of such collections and recoveries itemized by type of debt and the detailed appropriation and expenditure of such sums within each agency.

34. Savings generated in Fiscal Years 1993 and 1994 by the refinancing and restructuring of the State's long term debt must be used to support capital construction projects, renovation and rehabilitation projects and/or debt service appropriations, such as the debt service on general obligation bonds, master lease payments, school aid debt service, and similar debt service related appropriations.

35. Appropriations for Salaries and Wages made within a department may be transferred within a department to align savings from the early retirement program with the salary and wage priority needs of the department, subject to the approval of the Director of the Division of Budget and Accounting. Notice of a transfer shall be transmitted to the Legislative Budget and Finance Officer on the effective date thereof with a written explanation of the justification for each such transfer.

36. None of the funds appropriated to the Executive Branch of State government for Information Processing, Development, Telecommunications, and Related Services (External), Information Processing-Internal, and Information Processing and Telecommunications Equipment shall be available to pay for any information processing services or equipment without the review of the Office of Telecommunications and Information Systems and compliance with Statewide policies and standards; authorization and approval by the Office of Telecommunications and Information Systems is required for expenditure of amounts in excess of $8,000.

37. The Director of the Division of Budget and Accounting shall submit to the Legislative Budget and Finance Officer, at the time of delivery of the Governor's Recommended Budget Document to the Legislature a copy of the Integrated Planning and Budget System Salary Reconciliation Analyses for the Governor's Fiscal Year 1995 Recommended Budget for each department and for each program class within each department, showing the gross salary requirements, adjustments taken against the gross salary requirements and positions recommended and funded for Fiscal Year 1994 and Fiscal Year 1995. The Director of the Division of Budget and Accounting shall submit to the Legislative Budget and Finance Officer, copies of job 1824-Count of positions on budget bureau complement expenditure file as of pay period 5 and pay period 11 within ten days after the end of the pay period showing all positions filled and vacant from all funding sources for budgeted, non-budgeted, special services, summer seasonal and non-State positions and job 1068-Report of paychecks issued for all departments and institutions, all position types, and all funding sources as of February 1, 1994 and May 15, 1995 within ten days of those reports.

38. There is appropriated from the General Fund to the Surplus Revenue Fund $88,500,000. This amount shall be in addition to the amount reserved in the General Fund undesignated fund balance as of July 1, 1993 which shall be credited to the Surplus Revenue Fund by the State Treasurer pursuant to the provisions of P.L.1990, c.44 (C.52:9H-14 et seq.).

39. There is created within the General Fund a restricted fund to be known as the "Taxpayer Relief Fund," which is credited with the amount of $150,000,000 from the General Fund undesignated fund balance as of July 1, 1993. Monies in the "Taxpayer Relief Fund" shall be appropriated for a shortfall in anticipated State revenues or modifying tax deductions, exclusions or exemptions; as would best serve the interests of New Jersey taxpayers.

40. This act shall take effect July 1, 1993.

Approved June 29, 1993.

CHAPTER 156

AN ACT providing immunity from liability for certain producers, insurers and others under certain circumstances.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

C.17:28-1.9 Immunity from liability for certain auto insurance providers.

1. a. Notwithstanding any other provision of law to the contrary, no person, including, but not limited to, an insurer, an insurance producer, as defined in section 2 of P.L.1987, c.293 (C.17:22A-2), a servicing carrier or non-insurer servicing carrier acting in that capacity pursuant to P.L.1983, c.65 (C.17:30E-1 et al.) or section 88 of P.L.1990, c.8 (C.17:33B-11), the New Jersey Automobile Full Insurance Underwriting Association created pursuant to section 16 of P.L.1983, c.65 (C.17:30E-4), the Market Transition Facility created pursuant to section 88 of P.L.1990, c.8 (C.17:33B-11), and any plan established pursuant to section 1 of P.L.1970, c.215 (C.17:29D-1), shall be liable in an action for damages on account of the election of a given level of motor vehicle insurance coverage by a named insured as long as those limits provide at least the minimum coverage required by law or on account of a named insured not electing to purchase underinsured motorist coverage, collision coverage or comprehensive coverage. Nothing in this section shall be deemed to grant immunity to any person causing damage as the result of his willful, wanton or grossly negligent act of commission or omission.

b. The coverage selection form required pursuant to section 17 of P.L.1983, c.362 (C.39:6A-23) shall contain an acknowledgment by the named insured that the limits available to him for uninsured motorist coverage and underinsured motorist coverage have been explained to him and a statement that no person, including, but not limited to, an insurer, an insurance producer, as defined in section 2 of P.L.1987, c.293 (C.17:22A-2), a servicing carrier or non-insurer servicing carrier acting in that capacity pursuant to P.L.1983, c.65 (C.17:30E-1 et al.) or section 88 of P.L.1990, c.8 (C.17:33B-11), the New Jersey Automobile Full Insurance Underwriting Association created pursuant to section 16 of P.L.1983, c.65 (C.17:30E-4), the Market Transition Facility created pursuant to section 88 of P.L.1990, c.8 (C.17:33B-11), and any plan established pursuant to section 1 of P.L.1970, c.215 (C.17:29D-1), shall be liable in an action for damages on account of the election of a given level of motor vehicle insurance coverage by a named insured as long as those limits provide at least the minimum coverage required by law or on account of a named insured not electing to purchase underinsured motorist coverage, collision coverage or comprehensive coverage, except for that person causing damage as the result of his willful, wanton or grossly negligent act of commission or omission.

2. This act shall take effect immediately.

Approved June 29, 1993.

CHAPTER 157

AN ACT concerning children and supplementing Title 30 of the Revised Statutes.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

C.30:4C-74 Findings, declarations.

1. The Legislature finds and declares that:

a. The obligation of the State to preserve the sanctity of the family and prevent the placement of children outside the home should be fulfilled in the context of a clear and consistent policy which emphasizes the strengthening of families through the application of intensive family preservation services;

b. In recent years, several states have found that family preservation services can provide an effective, efficient and humane alternative to out-of-home placement;

c. Family preservation services are based on the following principles:

(1) Safety of the child is always the first concern,

(2) Children should be raised by their own families whenever possible,

(3) An intervention should build on family strengths and be responsive to family needs, and

(4) Improvement of family functioning is essential in order to promote the child's health, safety and welfare, allowing the family to remain intact and the children to remain at home; and

d. It is the intent of this act that a comprehensive family preservation services program be provided in every county of the State.

C.30:4C-75 "Family preservation services program" defined.

2. For the purposes of this act, "family preservation services program" means an intensive, in-home family education and crisis intervention program and "family preservation direct services worker" means an individual employed by a community-based service organization which provides intensive family education and crisis intervention services to families referred to the family preservation services program created pursuant to this act.

C.30:4C-76 Establishment of family preservation services program; objectives.

3. a. The Department of Human Services may establish, through purchase of service contracts with community-based organizations, at least one family preservation services program in each county in the State. The program shall provide services to families whose children are at imminent risk of placement as determined by agencies authorized to place children, or whose children are being prepared for reunification.

b. The family preservation services program shall be based on the following objectives:

(1) The prevention of out-of-home placement by enhancing family functioning and problem solving;

(2) The development of appropriate crisis management and parenting skills;

(3) The provision of services to families, as needed, including transportation, emergency financial assistance for food, clothing and housing, family counseling and substance abuse treatment; and

(4) The development of linkages with service networks and community resources.

C.30:4C-77 Referrals to program, requirements for family preservation services.

4. a. Subject to the guidelines and policies of the specific contracts entered into by providers of family preservation services, agencies authorized to place children in the State may refer a family to the appropriate family preservation services program. All members of the family who accept such services shall be responsible for cooperating fully with the family preservation direct services worker.

b. The family preservation services provided under this act shall meet the following criteria:

(1) A family preservation direct services worker shall carry a caseload of a maximum of two families at any given time, except that during the last week of the provision of services with one of

the two families, the worker may carry a third case. The family preservation direct services worker may serve a total of 18 families within a 12 month period;

(2) An eligible family shall receive an initial visit by the family preservation direct services worker within 24 hours of the referral. The program shall provide services to a family for four to eight weeks, as appropriate. The worker shall conduct a follow-up evaluation of the family at three, six and 12 months after the family has completed the program;

(3) Family preservation services shall be provided in the family's home, community or the child's school, consistent with the needs of the family. The family preservation direct services worker shall visit the family for no less than five hours per week. The worker shall be available to provide services to the family 24 hours a day, seven days a week;

(4) The family preservation direct services worker shall develop, in consultation with the family, a service plan which addresses the reasons for the consideration of the out-of-home placement. The plan shall also include, but not be limited to, an assessment of the family's strengths and problems, a statement of options designed to solve the problems and the identification of appropriate resources that will be needed to maintain the progress achieved through the program; and

(5) The agency referring the family shall identify the services which will be provided to the family during and after the provision of family preservation services.

C.30:4C-78 Required credentials for direct services worker, supervisor.

5. A family preservation services direct services worker shall possess a master's degree in the social sciences or shall have graduated from a fully accredited college or university and have at least one and half years' experience in providing services to families in crisis. The supervisor of a family preservation direct services worker shall possess a master's or doctorate degree in social work, psychology, education or counseling and five years' experience of providing treatment services to families and two years' supervisory experience.

C.30:4C-79 Development of manual of standards.

6. The Department of Human Services shall develop a manual of standards on the operation and programmatic aspects of family preservation services.

C.30:4C-80 Family Preservation Services Coordinating Unit established.

7. There is established a Family Preservation Services Coordinating Unit in the Department of Human Services. The unit shall consist of persons with knowledge of and experience with the family preservation services program in the State and in all facets of the operation of the program. The coordinating unit personnel shall be appointed by the Commissioner of Human Services. The coordinating unit shall develop, monitor and implement all phases of the family preservation services initiative and its activities will include the provision of technical support and the establishment and the monitoring of all family preservation services programs throughout the State.

C.30:4C-81 Annual report to Governor, Legislature.

8. The Commissioner of Human Services shall report to the Governor and the Legislature by December 31 of each year, on the family preservation services program. The annual report shall contain, but not be limited to:

a. The number of families receiving services through the program;

b. The number of children placed in foster care, group homes and residential treatment facilities, both in-State and out-of-State;

c. The average cost of providing services to a family through the program;

d. The number of children who remain with their families for one year after receiving services through the program; and

e. Any recommendations needed to improve the delivery of family preservation services in the State.

C.30:4C-82 Use of federal funding.

9. The Department of Human Services shall seek to maximize any available federal funding which may be used for the purposes of administering or providing family preservation services. Any federal funding made available under this section shall be used to supplement and shall not supplant State funds used to carry out the purposes of this act.

C.30:4C-83 Transfer of funds.

10. The Commissioner of Human Services, following prior review and approval from the Office of Management and Budget, may transfer funds appropriated for substitute care services to purchase family preservation services established pursuant to this act.

11. The Commissioner of Human Services shall, pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et

seq.), promulgate rules and regulations to effectuate the purposes of this act.

12. This act shall take effect immediately.

Approved June 29, 1993.

CHAPTER 158

AN ACT allowing the town of Kearny to receive certain financial aid from the State, and amending P.L.1946, c.244.

WHEREAS, In May of 1946 the State of New Jersey conveyed to the town of Kearny a tract of land situated in the town to be dedicated to the memory of all residents of the town who served in the armed forces of the United States during World War I and World War II; and

WHEREAS, One of the conditions of P.L.1946, c.244, the act authorizing the conveyance, was that all costs for the development and maintenance of the property shall be without the financial aid of the State at any time; and

WHEREAS, Since the conveyance of the property to the town some forty years ago, the State has instituted a number of "Green Acres" programs to assist municipalities in acquiring and developing lands for public recreation and the conservation of natural resources; and

WHEREAS, The property conveyed to the town by the State in 1946 would qualify for development with Green Acres funds, while maintaining dedication to the veterans, except for the provision in P.L.1946, c.244 prohibiting such financial aid by the State; and

WHEREAS, The town of Kearny has petitioned the Legislature pursuant to Article IV, Section VII, paragraph 10 of the State's Constitution, to enact a special law amending P.L.1946, c.244 by deleting that language which prohibits the State from giving financial aid to the town for the development of the property conveyed by that act; now, therefore,

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. Section 2 of P.L.1946, c.244 is amended to read as follows:

2. Such conveyance shall be made for a nominal consideration and by appropriate deed subject to the condition that the tract or parcel of land so conveyed shall be used by the said town of Kearny for public purposes and dedicated to the perpetual memory of all the residents of said town who served in the armed forces of the United States during World War I and World War II; provided, however, that the public purpose may be changed as the need therefor may arise, but the dedication herein specified shall never be changed or minimized. Said tract or parcel of land may be described in said deed by metes and bounds.

2. This act shall take effect upon the enactment of an ordinance by the town of Kearny adopting the act.

Approved June 29, 1993.

CHAPTER 159

AN ACT regarding the redevelopment of Atlantic City, establishing minimum charges and imposing fees on casino parking facilities therein, providing for the development of hotel rooms therein amending and supplementing P.L.1984, c.218 and amending P.L.1977, c.110.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

C.5:12-173.1 Findings.

1. The Legislature finds that the single most significant factor contributing to the cost of constructing, maintaining, operating and supporting highways, roads and infrastructure, in Atlantic City, and particularly in the "corridor" region of the city, is the heavy volume of motor vehicular traffic occasioned by the attraction of casino gambling in Atlantic City. This traffic is encouraged by the provision of free parking by casino operations,

by the relative underdevelopment of public transportation services, and by the shortage of hotel accommodations in the city. While the Legislature has taken various measures, most notably the "South Jersey Transportation Authority Act," P.L.1991, c.252 (C.27:25A-1 et al.), to provide and improve public transportation services in the South Jersey region as an alternative to the use of motor vehicles, the heavy capital costs associated with reconstruction of the corridor region's infrastructure require a continuous source of public funding. The Legislature declares, therefore, that it is in the public interest to require a standard minimum charge for casino parking within Atlantic City, and to impose fees on amounts received from those charges, with the proceeds of those fees to be used by the Casino Reinvestment Development Authority for projects which are related to improving the highways, roads, infrastructure, traffic regulation and public safety of the city, or which are otherwise necessary or useful to the economic development and redevelopment of the city in this regard. It is also in the public interest to establish a special temporary fund for the use of existing moneys of the authority for the provision of financial assistance to casinos and casino hotels to construct, reconstruct or rehabilitate hotel rooms in Atlantic City.

C.5:12-173.2 $2.00 minimum charge imposed for use of casino parking facility.

2. On and after July 1, 1993, there is established a minimum amount which shall be charged in the City of Atlantic City for the use of a parking space for the purpose of parking, garaging or storing a motor vehicle in a parking facility or property owned or leased by a casino hotel licensed under the "Casino Control Act," P.L.1977, c.110 (C.5:12-1 et seq.), or by any person on behalf of a casino hotel. The charge shall be not less than $2.00 per day for each motor vehicle parked, garaged or stored in the parking space. The charge shall be made for all motor vehicles so parked, garaged or stored, except for motor vehicles owned or leased by the owner or operator of the parking facility or property, or by an employee of the casino hotel which owns or leases the parking facility or property. A parking space is considered to be that of a licensed casino hotel if the facility or property in which the space is located is owned, wholly or in part, or leased by the casino hotel, and is utilized in whole or in part in conjunction with the operations of the casino hotel. A parking space shall be considered to be on behalf of a casino hotel if spaces within the facility or property are kept under lease or contract for the use of visitors or guests of the casino hotel. No motor vehicle shall be required, upon proof of payment of the $2.00 charge, to pay the charge again in the same calendar day, either for use of a parking space

in the same parking facility or property, or for use of a parking space in another casino hotel parking facility or property.

C.5:12-173.3 $1.50 minimum fee imposed for use of casino parking space.

3. On and after July 1, 1993, there is imposed in the City of Atlantic City a fee upon the use of spaces for the parking, garaging or storing of motor vehicles in a parking facility or property owned or leased by a casino hotel licensed under the "Casino Control Act," P.L.1977, c.110 (C.5:12-1 et seq.), or by any person on behalf of a casino hotel. The fee so imposed is $1.50 of the amount received by the casino hotel or person from each charge made for the use of a parking space; provided, however, that if the casino hotel or person shall fail to collect, or shall rebate, all or a portion of the charge required herein to be imposed for the use of any parking space, the full amount of the fee shall be payable by the casino hotel or person.

C.5:12-173.4 Special fund, use of fees.

4. Proceeds from fees collected pursuant to section 3 of this act, P.L.1993, c.159 (C.5:12-173.3) shall be paid by the State Treasurer into a special fund established and held by the State Treasurer and made available for the exclusive use of the Casino Reinvestment Development Authority established pursuant to section 5 of P.L.1984, c.218 (C.5:12-153). Amounts in this special fund shall be expended by that authority for eligible projects in the corridor region of the City of Atlantic City in Atlantic County as defined by regulation of the authority, which are related to improving the highways, roads, infrastructure, traffic regulation and public safety of that city or which are otherwise necessary or useful to the economic development and redevelopment of the city in this regard.

The State Treasurer may require that a financial plan demonstrating the need, schedule and use for moneys placed in the special fund be approved by the State Treasurer prior to allocation.

Pending application of moneys held in this special fund for these purposes, the moneys shall be invested in accordance with applicable law and income therefrom shall be credited exclusively to the special fund.

C.5:12-173.5 Responsibility for collection of fees.

5. Each person subject to the provisions of section 3 of this act, P.L.1993, c.159 (C.5:12-173.3), shall be responsible for the collection of the fees imposed pursuant thereto, which shall be collected as part of the charge made for the use of a parking space. Amounts so collected shall be forwarded to the Director of the Division of Taxation in the Department of the Treasury. The direc-

tor, in administering the provisions of this act, shall have all the powers granted in P.L.1966, c.30 (C.54:32B-1 et seq.). The director shall determine and certify to the State Treasurer on a monthly basis the amount of revenues collected by the director pursuant to this section which are payable to the special fund established by this act. The State Treasurer, upon certification of the director and upon warrant of the State Comptroller, and subject to the pertinent requirements of section 4 of this act, P.L.1993, c.159 (C.5:12-173.4) shall pay and distribute on a monthly basis to the special fund established by this act the amount so certified.

C.5:12-173.6 Issuance of bonds, notes.

6. a. Notwithstanding any provisions of P.L.1984, c.218 (C.5:12-153 et al.) restricting the issuance or sale of bonds, notes or other obligations by the Casino Reinvestment Development Authority, the authority may from time to time issue bonds or notes, the principal, interest or redemption premiums on which are to be payable in all or part from amounts then on deposit or to be deposited in the special fund established pursuant to section 4 of this act, P.L.1993, c.159 (C.5:12-173.4). The authority is authorized to issue its bonds in such principal amounts as shall be necessary to provide sufficient funds for eligible projects to be financed from that special fund, and to pay, fund, or refund principal or interest or redemption premiums on any bonds or notes issued by it which are payable from that special fund, whether the bonds or notes or interest to be funded or refunded have or have not become due.

b. The bonds or notes may be additionally secured by a pledge of any grant or contribution from the federal government or any State or any agency or public subdivision thereof or any person or a pledge of any moneys, income or revenues of the authority from any source whatsoever. The authority may also enter into bank loan agreements, lines of credit or bond insurance and other security agreements and obtain for or on its behalf letters of credit in each case for the purpose of securing its bonds, notes or other obligations or to provide direct payment of any costs which the authority is authorized to pay by this act and to secure repayment of any borrowings under the loan agreement, line of credit, letter of credit, bond insurance or other security agreement by its bonds, notes or other obligations or the proceeds thereof or by any or all of the revenues of and payments to the authority or by any appropriation, grant or reimbursement to be received by the authority and other moneys or funds as the authority shall determine.

c. Any provision of any law to the contrary notwithstanding, any bond or note issued pursuant to this act shall be fully negotiable within the meaning and for all purposes of the negotiable instruments law of the State, and each holder or owner of a bond or note, or of any coupon appurtenant thereto, by accepting the bond, note or coupon shall be conclusively deemed to have agreed that the bond, note or coupon is and shall be fully negotiable within the meaning and for all purposes of the negotiable instruments law.

d. Bonds or notes of the authority shall be authorized by resolution of the authority and may be issued in one or more series and shall bear the date or dates, mature at the time or times not exceeding 50 years from the date thereof, bear interest at a rate or rates within the maximum rate, as shall be determined by the authority, shall be in the denomination or denominations, be in the form, either coupon or registered, carry the conversion or registration privileges, have the rank or priority, be executed in the manner, be payable from the sources in the medium of payment at the place or places within or without the State, and be subject to the terms of redemption, with or without premium, as the resolution or resolutions may provide.

e. Bonds or notes of the authority may be sold at public or private sale at the price or prices as the authority shall determine.

C.5:12-173.7 Covenants by authority; contracts with holders of bonds, notes.

7. In any resolution of the authority authorizing or relating to the issuance of bonds or notes pursuant to section 6 of this act, P.L.1993, c.159 (C.5:12-173.6), the authority, in order to secure the payment of the bonds or notes and in addition to its other powers, shall have power by provisions therein which shall constitute covenants by the authority and contracts with the holders of the bonds or notes:

a. To pledge to any payment or purpose all or any part of its revenues to which its right then exists or may thereafter come into existence, and the moneys derived therefrom, and the proceeds of any bonds or notes.

b. To covenant against pledging all or any part of its revenues, or against mortgaging all or any part of its real or personal property then owned or thereafter acquired, or against permitting or suffering any lien on its revenues or property.

c. To covenant with respect to limitations on any right to sell, lease or otherwise dispose of any project or any part thereof or any property of any kind.

d. To covenant as to any bonds and notes to be issued and the limitations thereon and the terms and conditions thereof and as to the custody, application, investment and disposition of the proceeds thereof.

e. To covenant as to the issuance of additional bonds or notes or as to limitations on the issuance of additional bonds or notes and on the incurring of other debts by the authority.

f. To covenant as to the payment of the principal of or interest on the bonds or notes, or any other obligations, as to the sources and methods of that payment, as to the rank or priority of any bonds, notes or obligations with respect to any lien or security or as to the acceleration of the maturity of any bonds, notes or obligations.

g. To provide for the replacement of lost, stolen, destroyed or mutilated bonds or notes.

h. To covenant against extending the time for the payment of bonds or notes or interest thereon.

i. To covenant as to the redemption of bonds or notes and privileges of exchange thereof for other bonds or notes of the authority.

j. To covenant to create or authorize the creation of special funds or moneys to be held in pledge or otherwise for construction, operating expenses, payment or redemption of bonds or notes, reserves or other purposes and as to the use and disposition of the moneys held in the funds.

k. To establish the procedure, if any, by which the terms of any contract or covenant with or for the benefit of the holders of bonds or notes may be amended or abrogated, the amount of bonds or notes the holders of which must consent thereto, and the manner in which the consent may be given.

l. To covenant as to the construction, operation or maintenance of real property and personal property, the replacement thereof, the insurance to be carried thereon, and the use and disposition of insurance moneys.

m. To provide for the release of property, leases or other agreements, or revenues and receipts from any pledge or mortgage and to reserve rights and powers in, or the right to dispose of, property which is subject to a pledge or mortgage.

n. To mortgage all or any part of its property, real or personal, then owned or thereafter to be acquired.

o. To provide for the rights and liabilities, powers and duties arising upon the breach of any covenant, condition or obligation and to prescribe the events of default and the terms and conditions upon which any or all of the bonds, notes or other obligations of the authority shall become or may be declared due and payable before maturity and the terms and conditions upon which any declaration and its consequences may be waived.

p. To vest in a trustee or trustees within or without the State such property, rights, powers and duties in trust as the authority may determine and to limit the rights, powers and duties of the trustee.

q. To pay the costs or expenses incident to the enforcement of the bonds or notes or of the provisions of the resolution or of any covenant or agreement of the authority with the holders of its bonds or notes.

r. To limit the rights of the holder of any bonds or notes to enforce any pledge or covenant securing bonds or notes.

s. To make covenants other than and in addition to the covenants herein expressly authorized, of like or different character, and to make the covenants to do or refrain from doing any acts and things as may be necessary, or convenient and desirable, in order to better secure bonds or notes or which, in the absolute discretion of the authority, will tend to make bonds or notes more marketable, notwithstanding that the covenants, acts or things may not be enumerated herein.

C.5:12-173.8 Moneys set aside for hotel development projects.

8. From the moneys made available to the Casino Reinvestment Development Authority pursuant to section 3 of P.L.1984, c.218 (C.5:12-144.1), the authority shall, in such manner as it may reasonably determine, set aside $100,000,000 for investment on hotel development projects in Atlantic City undertaken by a casino licensee under the "Casino Control Act," P.L.1977, c.110 (C.5:12-1 et seq.), operating an approved hotel on the effective date of this amendatory and supplementary act, P.L.1993, c.159 (C.5:12-173.1 et al.), which result in the construction, reconstruction or rehabilitation of at least 200 hotel rooms in the City of Atlantic City. The authority shall, by regulation, adopt standards for determining the extent of construction, reconstruction or rehabilitation of hotel rooms or appurtenant facilities required in order to qualify for authority investment, which standards shall require at least that the hotel rooms be operated as part of a licensed casino facility or be first class hotel rooms located and operated in a manner consistent with an authority approved project. The provisions of section 30 of P.L.1984, c.218 (C.5:12-178) shall not apply to investments made out of the moneys so set aside.

The authority shall determine the amount each casino licensee shall be eligible to receive out of the moneys so set aside. The form, amount and terms of the investment made by the authority shall be determined by the authority, but the amount of the investment shall not exceed the amount which the casino licensee applying therefor is eligible to receive, or an amount equal to 35% of the costs reasonably related to constructing, reconstructing or rehabilitating the hotel rooms or appurtenant facilities in the project, whichever is less.

For the purposes of determining each casino licensee's eligibility for authority investments from the moneys so set aside, the authority may by resolution permit the transfer of obligation to make payment under section 3 of P.L.1984, c.218 (C.5:12-144.1) to any other casino licensee which has received approval for investment in a project to construct, reconstruct or rehabilitate hotel rooms.

In approving a hotel development project, the authority shall establish a schedule for investments to be made by the authority as progressive stages of construction, reconstruction or rehabilitation are accomplished. A schedule so established shall provide for the completion of the project on or before December 31, 1996, unless the authority shall prior to that date find, by resolution, that a time extension for project completion is warranted by special circumstances or unforeseen occurrences. Any moneys remaining in the special fund thereafter shall be available for investment in otherwise eligible projects of the authority.

9. Section 3 of P.L.1984, c.218 (C.5:12-144.1) is amended to read as follows:

C.5:12-144.1 Imposition of investment alternative tax.

3. a. (1) Commencing with the first annual tax return of a licensee for any calendar year beginning after December 31, 1983, there is imposed an investment alternative tax on the gross revenues as defined in section 24 of P.L.1977, c.110 (C.5:12-24) of the licensee in the amount of 2.5% of those gross revenues. The tax imposed with respect to each calendar year shall be due and payable on the last day of April next following the end of the calendar year. The State Treasurer shall have a lien against the property constituting the casino of a licensee for the amount of any tax not paid when due. No tax shall be imposed, however, on the gross revenues received by a licensee during the first 12 months of the operation of any casino that commences operation after January 1, 1984.

(2) A licensee shall pay to the State Treasurer on or before the 15th day of the first, fourth, seventh, and 10th months of each year as partial payment of the investment alternative tax imposed pursuant to paragraph (1) of this subsection an amount equal to 1.25% of

the estimated gross revenues for the three-month period immediately preceding the first day of those months. The moneys received shall be placed in an escrow account and shall be held until the licensee directs that the moneys be transferred to the Casino Reinvestment Development Authority for the purchase of bonds issued by or offered through the Casino Reinvestment Development Authority or pursuant to a contract for such a purchase, be made available to the licensee for a direct investment approved by the authority, or be transferred to the Casino Revenue Fund as partial payment of the investment alternative tax imposed pursuant to paragraph (1) of this subsection. Any interest derived from the moneys in the escrow account shall be paid or made available to the Casino Revenue Fund. If a licensee fails to pay the amount due or underpays by an unjustifiable amount, the Casino Control Commission shall impose a fine of 5% of the amount due or of the underpayment, as the case may be, for each month or portion thereof the licensee is in default of payment, up to 25% of the amount in default. Any fine imposed shall be paid to the Casino Reinvestment Development Authority and shall be used for the purposes of this 1984 amendatory and supplementary act.

b. Each licensee shall be entitled to an investment tax credit against the tax imposed by subsection a. of this section, provided the licensee shall pay over the moneys required pursuant to section 5 of P.L.1993, c.159 (C.5:12-173.5): (1) for the first 10 years of a licensee's tax obligation, in an amount equal to twice the purchase price of bonds issued by the Casino Reinvestment Development Authority pursuant to sections 14 and 15 of this 1984 amendatory and supplementary act, purchased by the licensee, or twice the amount of the investments authorized in lieu thereof, and (2) for the remainder of a licensee's tax obligation, in an amount equal to twice the purchase price of bonds issued by the Casino Reinvestment Development Authority pursuant to sections 14 and 15 of this 1984 amendatory and supplementary act, purchased by the licensee, or twice the amount of the investments authorized in lieu thereof, and twice the amount of investments made by a licensee in other approved eligible investments made pursuant to section 25 of this act. The Casino Reinvestment Development Authority shall have the power to enter into a contract or contracts with a licensee pursuant to which the Casino Reinvestment Development Authority agrees to issue and sell bonds to the licensee, and the licensee agrees to purchase the bonds issued by or offered through the Casino Reinvestment

Development Authority, in annual purchase price amounts as will constitute a credit against at least 50% of the tax to become due in any future year or years. The contract may contain those terms and conditions relating to the terms of the bonds and to the issuance and sale of the bonds to the licensee as the Casino Reinvestment Development Authority shall deem necessary or desirable. The contract shall not be deemed to be in violation of section 104 of P.L.1977, c.110 (C.5:12-104). After the first 10 years of a licensee's investment alternative tax obligation, a licensee will have the option of entering into a contract with the Casino Reinvestment Development Authority to have its tax credit comprised of direct investments in approved eligible projects. These direct investments shall not comprise more than 50% of a licensee's eligible tax credit in any one year.

The entering of a contract pursuant to this section shall be sufficient to entitle a licensee to an investment tax credit for the appropriate tax year.

c. A contract entered into between a licensee and the Casino Reinvestment Development Authority may provide for a deferral of payment for and delivery of bonds required to be purchased and for a deferral from making approved eligible investments in any year, but no deferral shall occur more than two years consecutively. A deferral of payment for any bonds required to be purchased by a licensee and a deferral from making approved eligible investments may be granted by the Casino Reinvestment Development Authority only upon a determination by the Casino Control Commission that purchase of these bonds or making approved eligible investments would cause extreme financial hardship to the licensee and a determination by the Casino Reinvestment Development Authority that the deferral of the payment would not violate any covenant or agreement or impair any financial obligation of the Casino Reinvestment Development Authority. The contract may establish a late payment charge to be paid in the event of deferral or other late payment at a rate as shall be agreed to by the Casino Reinvestment Development Authority. If a deferral of purchase or investment is granted, the licensee shall be deemed to have made the purchase or investment at the time required by the contract, except that if the purchase is not made at the time to which the purchase or investment was deferred, then the licensee shall be deemed not to have made the purchase or investment. The Casino Control Commission shall adopt regulations establishing a uniform definition of extreme financial hardship applicable to all these contracts. If a licensee petitions the Casino Reinvestment Development Authority for a deferral, the Casino Reinvestment Development Authority shall give notice of that petition to the Casino Control Commission and to the Division of Gaming Enforcement within three days of the filing of the petition. The Casino Control Commission shall render a decision within 60 days of notice as to whether the licensee has established extreme financial hardship, after consultation with the Division of Gaming Enforcement. The Casino Reinvestment Development Authority shall render a decision as to the availability of the deferral within 10 days of the receipt by it of the decision of the Casino Control Commission and shall notify the Division of Gaming Enforcement and the Casino Control Commission of that decision. If a deferral is granted, the Casino Reinvestment Development Authority may determine whether the purchases or investments shall be made in a lump sum, made over a period of years, or whether the period of obligation shall be extended an additional period of time equivalent to the period of time deferred.

d. The license of any licensee which has defaulted in its obligation to make any purchase of bonds or investment in any approved eligible project under a contract entered into pursuant to subsection b. of this section for a period of 90 days may be suspended by the Casino Control Commission until that purchase is made or deferred in accordance with subsection b. of this section, or a fine or other penalty may be imposed upon the licensee by the commission. If the Casino Control Commission elects not to suspend the license of a licensee after the licensee has first defaulted in its obligation but instead imposes some lesser penalty and the licensee continues to be in default of its obligation after a period of 30 additional days and after any additional 30-day period, the commission may impose another fine or penalty upon the licensee, which may include suspension of that licensee's license. The fine shall be 5% of the amount of the obligation owed for each month or portion thereof a licensee is in default, up to 25% of that obligation; shall be paid to the Casino Reinvestment Development Authority; and shall be used for the purposes of this 1984 amendatory and supplementary act.

e. A contract entered into by a licensee and the Casino Reinvestment Development Authority pursuant to subsection b. of this section may provide that after the first 10 years of a licensee's investment alternative tax obligation imposed by subsection a. of this section, the Casino Reinvestment Development Authority may repurchase bonds previously sold to the licensee, which were issued after the 10th year of a licensee's investment alternative tax obligation, by the Casino Reinvestment Development Authority, if the Casino Reinvestment Development Authority determines that the repurchase will not violate any agreement or covenant or impair any financial obligation of the Casino Reinvestment Development Authority and that the licensee will reinvest the proceeds of the resale in an eligible project approved by the Casino Reinvestment Development Authority.

f. (1) During the 25 years a licensee is obligated to pay an investment alternative tax pursuant to subsection k. of this section, the total of (a) the proceeds of all bonds purchased by a licensee from or through the Casino Reinvestment Development Authority and (b) all approved investments in eligible projects by a licensee shall be devoted to the financing of projects in the following areas and amounts:

Areas	Years 1-3	Years 4-5	Years 6-10	Years 11-15	Years 16-20	Years 21-25
(a) Atlantic City	100%	90%	80%	50%	30%	20%
(b) South Jersey		8%	12%	28%	43%	45%
(c) North Jersey		2%	8%	22%	27%	35%

For the purposes of this paragraph, "South Jersey" means the counties of Atlantic, Burlington, Camden, Cape May, Cumberland, Gloucester, Mercer, Ocean, and Salem; and "North Jersey" means the remaining 12 counties of the State. For the purposes of this 1984 amendatory and supplementary act, bond "proceeds" means all funds received from the sale of bonds and any funds generated or derived therefrom.

In the financing of projects outside Atlantic City, the Casino Reinvestment Development Authority shall give priority to the revitalization of the urban areas of this State in the ways specified in section 12 of this 1984 amendatory and supplementary act. Those areas shall include, but not be limited to, all municipalities qualifying for aid pursuant to P.L.1978, c.14 (C.52:27D-178 et seq.).

Within nine months from the effective date of this 1984 amendatory and supplementary act, the Casino Reinvestment Development Authority shall determine the allocation of projected available moneys to municipalities in South Jersey for the first seven years of their receipt of funds, giving priority to the revitalization of the urban areas of the region. Municipalities receiving such an allocation shall present to the Casino Reinvestment Development Authority for its approval comprehensive plans or projects for which the allocations shall be used. Any such comprehensive plan or project may be submitted to the Casino Reinvestment Development Authority for a determination of eligibility at any time prior to the year for which the funds are allocated, and the Casino Reinvestment Development Authority shall make a determination of eligibility of the plan or project within a reasonable amount of time. If the Casino Reinvestment Development Authority makes a positive determination of eligibility for any comprehensive plan or project, or combination of comprehensive plans or projects, for any municipality whose total cost exceeds the amount allocated to that municipality for the first seven years of the receipt of funds by South Jersey municipalities, the Casino Reinvestment Development Authority shall make available sufficient funds in subsequent years necessary to complete those plans or projects, or to complete that portion of the plan or project originally agreed to be funded through the Casino Reinvestment Development Authority, from funds received by the Casino Reinvestment Development Authority in the years following the seventh year of the receipt of funds by South Jersey municipalities. If the comprehensive plan or project is determined by the Casino Reinvestment Development Authority not to be an eligible plan or project, the municipality may submit any other comprehensive plan or project for a determination of eligibility. If, however, the municipality fails to receive a positive determination of eligibility for any comprehensive plan or project, or combination of comprehensive plans or projects, sufficient to exhaust the total allocation to that municipality for any year prior to April 30 of the following year for which the allocation was made, the allocation to that municipality for that year shall cease, and the Casino Reinvestment Development Authority may apply those excess funds to any other comprehensive plan or project in any other municipality in the region whose comprehensive plan or project has received a positive determination of eligibility by the Casino Reinvestment Development Authority.

Within 36 months from the effective date of this 1984 amendatory and supplementary act, the Casino Reinvestment Development Authority shall determine the allocation of projected available moneys to municipalities in North Jersey for the first five years of their receipt of funds, giving priority to the revitalization of the urban areas of the region. Municipalities receiving such an allocation shall present to the Casino Reinvestment Development Authority for its approval comprehensive plans or projects for which the allocations shall be used. Any such comprehensive plan or project may be submitted to the Casino Reinvestment Development Authority for a determination of eligibility at any time prior to the year for which the funds are allocated, and the Casino Reinvestment Development Authority shall make a determination of eligibility of the plan or project within a reasonable amount of time. If the Casino Reinvestment Development Authority makes a positive determination of eligibility for any comprehensive plan or project, or combination of comprehensive plans or projects, for any municipality whose total cost exceeds the amount allocated to that municipality for the first five years of the receipt of funds by North Jersey municipalities, the Casino Reinvestment Development Authority shall make available sufficient funds in subsequent years necessary to complete those plans or projects, or to complete that portion of the plan or project originally agreed to be funded through the Casino Reinvestment Development Authority, from funds received by the Casino Reinvestment Development Authority in the years following the fifth year of the receipt of funds by North Jersey municipalities. If the comprehensive plan or project is determined by the Casino Reinvestment Development Authority not to be an eligible plan or project, the municipality may submit any other comprehensive plan or project for a determination of eligibility. If, however, the municipality fails to receive a positive determination of eligibility for any comprehensive plan or project, or combination of comprehensive plans or projects, sufficient to exhaust the total allocation to that municipality for any year prior to April 30 of the following year for which the allocation was made, the allocation to that municipality for that year shall cease, and the Casino Reinvestment Development Authority may apply those excess funds to any other comprehensive plan or project in any other municipality in the region whose comprehensive plan or project has received a positive determination of eligibility by the Casino Reinvestment Development Authority.

(2) Commencing with the first year in which a licensee incurs a tax obligation pursuant to this section, and for the period of two years thereafter, 100% of the proceeds of all bonds purchased by a licensee from the Casino Reinvestment Development Authority which are devoted to the financing of projects in the city of Atlantic City pursuant to paragraph (1) of this subsection shall be used exclusively to finance the rehabilitation, development, or

construction of, or to provide mortgage financing of, housing facilities in the city of Atlantic City for persons or families of low through middle income, as defined in this subsection. For the purposes of this subsection, the "rehabilitation, development, or construction of housing facilities" shall include expenses attributable to site preparation, infrastructure needs and housing-related community facilities and services, including supporting commercial development. Commencing with the fourth year in which a licensee incurs a tax obligation pursuant to this subsection, 50% of the proceeds of all bonds purchased by a licensee from the Casino Reinvestment Development Authority which are devoted to the financing of projects in the city of Atlantic City shall be used exclusively to finance the rehabilitation, development, or construction of housing facilities in the city of Atlantic City for persons or families of low through middle income. Commencing with the 11th year in which a licensee incurs a tax obligation pursuant to this section, 50% of the annual aggregate of the proceeds of bonds purchased by a licensee from the Casino Reinvestment Development Authority which are devoted to the financing of projects in the city of Atlantic City and investments in approved eligible projects commenced by a licensee in the city of Atlantic City shall be used exclusively to finance the rehabilitation, development, or construction of, or to provide mortgage financing of, housing facilities in the city of Atlantic City for persons or families of low through middle income.

(3) The Legislature finds that it is necessary to provide for a balanced community and develop a comprehensive housing program. The Casino Reinvestment Development Authority shall determine the need for housing in the city of Atlantic City, in consultation with the city of Atlantic City and specifically its zoning and planning boards. This shall include determining the types and classes of housing to be constructed and the number of units of each type and class of housing to be built. The Casino Reinvestment Development Authority shall give priority to the housing needs of the persons and their families residing in the city of Atlantic City in 1983 and continuing such residency through the effective date of this 1984 amendatory and supplementary act. The actual percentage of the proceeds of bonds and investments in approved eligible projects commenced by a licensee in the city of Atlantic City, which shall be used exclusively to finance the rehabilitation, development, or construction of, or to provide mortgage financing of, housing facilities in the city of

Atlantic City for persons or families of low through middle income, shall be based upon the authority's determination of the need for housing in the city of Atlantic City conducted pursuant to this subsection. Once the housing needs of the persons residing in the city of Atlantic City in 1983 and continuing such residency through the effective date of this 1984 amendatory and supplementary act have been met, as determined by the Casino Reinvestment Development Authority pursuant to this subsection, any required percentages for such housing in the city of Atlantic City may, in its sole discretion, be waived by the Casino Reinvestment Development Authority. To aid the Casino Reinvestment Development Authority in making these determinations, the Casino Reinvestment Development Authority shall review the proposal for a housing redevelopment program and strategy for the city of Atlantic City approved and adopted by the Casino Control Commission and shall give priority to same and any other plan or project which is consistent with the standards of this subsection and is acceptable to the Casino Reinvestment Development Authority, pursuant to section 25 of this 1984 amendatory and supplementary act. The Casino Reinvestment Development Authority may determine whether the funds used to finance housing facilities in the city of Atlantic City for persons or families of low, moderate, median range, and middle income are derived from the proceeds of bonds purchased by a licensee from the Casino Reinvestment Development Authority to be devoted to the financing of projects in the city of Atlantic City, investments in approved eligible projects commenced by a licensee in the city of Atlantic City, or a combination of both. Any investment made by a licensee in excess of 100% of its eligible investment tax credit during the first three years and in excess of 50% thereafter in either the purchase of bonds or direct investments in approved eligible projects for low, moderate, median range, and middle income family housing facilities in the city of Atlantic City may be carried forward and credited against the licensee's obligation to make a 100% investment during the first three years and 50% thereafter in low, moderate, median range, and middle income family housing in any future year, with the approval of the Casino Reinvestment Development Authority. For the purposes of this act, "low income families" means families whose income does not exceed 50% of the median income of the area, with adjustments for smaller and larger families. "Moderate income families" means families whose income does not exceed 80% and is not less than 50% of the median income for the area, with adjustments for smaller and larger families. "Median range income families" means families whose income does not exceed 120% and is not less than 80% of the median income for the area, with adjustments for smaller and larger families. "Middle income families" means families whose income does not exceed 150% and not less than 120% of the median income for the area, with adjustments for smaller and larger families. "Median income" means an income defined as median within the Standard Metropolitan Statistical Area for Atlantic City by the United States Department of Housing and Urban Development.

In order to achieve a balanced community, the authority shall ensure that the development of housing for families of low and moderate income shall proceed at the same time as housing for families of median range and middle income, until such time as there is no longer a need for such facilities in the city of Atlantic City, as determined by the Casino Reinvestment Development Authority.

(4) Notwithstanding any other law or section to the contrary, particularly this subsection regarding the waiver of the required percentages for housing in the city of Atlantic City, subsection i. of section 14, and sections 26, 27, 28, 29, and 31 of this 1984 amendatory and supplementary act, nothing shall be implemented or waived by the Casino Reinvestment Development Authority which would reduce, impair, or prevent the fulfillment of the priorities established and contained in this subsection of this 1984 amendatory and supplementary act.

g. If a person is a licensee with regard to more than one approved hotel pursuant to section 82 of P.L.1977, c.110 (C.5:12-82), the person shall separately account for the gross revenues, the investment alternative tax obligations, and the investments for a tax credit against the investment alternative tax for each approved hotel, and the tax obligations of the licensee under this section shall be determined separately for each approved hotel. The licensee may apportion investments between its approved hotels; provided that no amount of investment shall be credited more than once. If a licensee receives the prior approval of the Casino Reinvestment Development Authority, the licensee may make eligible investments in excess of the investments necessary to receive a tax credit against the investment alternative tax for a given calendar year, and the licensee may carry forward this excess investment and have it credited to its next investment alternative tax obligation. If the Casino Reinvestment Development Authority approves of such excess investment and approves the carry forward of this excess investment, and a licensee elects to purchase bonds of the Casino Reinvestment Development Authority or makes direct investments in approved eligible projects in excess of the investments necessary to receive a tax credit against the investment alternative tax for its current obligation, the licensee shall be entitled to a reduction of the amount of investments necessary in future years, which amount shall be determined annually by the Casino Reinvestment Development Authority, taking into account a current market discount rate from the date of the purchase or investment to the date the purchase or investment would have been required to be made.

h. Each casino licensee shall prepare and file, in a form prescribed by the Casino Reinvestment Development Authority, an annual return reporting that financial information as shall be deemed necessary by the Casino Reinvestment Development Authority to carry out the provisions of this act. This return shall be filed with the Casino Reinvestment Development Authority and the Casino Control Commission on or before April 30 following the calendar year on which the return is based. The Casino Control Commission shall verify to the Casino Reinvestment Development Authority the information contained in the report, to the fullest extent possible. Nothing in this subsection shall be deemed to affect the due dates for making any investment or paying any tax under this section.

i. Any purchase by a licensee of bonds issued by or offered through the Casino Reinvestment Development Authority pursuant to sections 14 and 15 of this act and subsection b. of this section and all approved eligible investments made by a licensee pursuant to section 25 of this act and subsection b. of this section are to be considered investments and not taxes owed or grants to the State or any political subdivision thereof. As such, a licensee shall have the possibility of the return of principal and a return on the capital invested as with other investments. Investors in the bonds issued by or offered through the Casino Reinvestment Development Authority shall be provided with an opinion from a recognized financial rating agency or a financial advisory firm with national standing that each loan of bond proceeds by the Casino Reinvestment Development Authority has the minimum characteristics of an investment, in that a degree of assurance exists that interest and principal payments can be made and other terms of the proposed investment be maintained over the period of the investment, and that the loan of the bond proceeds would qualify for a bond rating of "C" or better. If an opinion cannot be obtained from a recognized financial rating agency or a financial advisory firm with national standing, an opinion shall be obtained from an expert financial analyst with national standing, selected and hired by the Casino Reinvestment Development Authority. In order to achieve a balanced portfolio, assure the viability of the authority and the projects, facilities and programs undertaken pursuant to this 1984 amendatory and supplementary act, no more than 25% of the total investments made by or through the Casino Reinvestment Development Authority with the proceeds of bonds generated in each year shall be investments which would qualify for a bond rating of "C," unless all holders of obligations in each year agree to waive the 25% limit for that year. Nothing herein shall be interpreted as limiting the Casino Reinvestment Development Authority from taking any steps it deems appropriate to protect the characteristics of its investment in projects or any other investments from not being real investments with a prospect for the return of principal and a return on the capital invested. Anything contained in this section shall not be considered a guarantee by the State or any political subdivision thereof of any return of principal or interest, but any purchase by a licensee of bonds or approved eligible investments made by a licensee pursuant to this act shall be at the risk of the licensee. A licensee or the licensees purchasing an issue of bonds issued by the Casino Reinvestment Development Authority in any given year may arrange, at their option, for those bonds or the investments, made by or through the Casino Reinvestment Development Authority with the proceeds of those bonds, to be insured. The cost of any such insurance purchased by a licensee or licensees shall be paid by the licensee or licensees desiring such insurance.

j. The Casino Reinvestment Development Authority shall promulgate rules and regulations deemed necessary to carry out the purposes of this section.

k. The obligation of a licensee to pay an investment alternative tax pursuant to subsection a. of this section shall end for each licensed facility operated by the licensee 25 years after any investment alternative tax obligation is first incurred in connection with each licensed facility operated by the licensee, unless extended in connection with a deferral granted by the Casino Reinvestment Development Authority pursuant to subsection c. of this section.

10. Section 5 of P.L.1984, c.218 (C.5:12-153) is amended to read as follows:

C.5:12-153 Casino Reinvestment Development Authority.

5. a. There is established in, but not of, the Department of the Treasury a Casino Reinvestment Development Authority to consist of the following members:

(1) Six members appointed by the Governor with the advice and consent of the Senate for terms of four years, except that of the initial members to be appointed pursuant to this 1991 amendatory act, P.L.1991, c.219, one shall be appointed for a term of two years and one for a term of four years;

(2) One member appointed by the Governor upon the recommendation of the President of the Senate for a term of four years, except that the initial member to be appointed shall be appointed for a term of three years;

(3) One member appointed by the Governor upon the recommendation of the Speaker of the General Assembly for a term of four years, except that the initial member to be appointed shall be appointed for a term of one year;

(4) A member of the Casino Control Commission, who shall be appointed by the Governor and shall be a voting member of the authority;

(5) The mayor of Atlantic City, ex officio and voting;

(6) The State Treasurer, ex officio and voting; and

(7) Two casino industry representatives, both of whom shall be voting members, appointed by the Governor for terms of two years, except that of the initial appointees, one shall serve for a term of one year and one for a term of two years.

No more than four of the voting members appointed by the Governor pursuant to paragraph (1) of this subsection shall be of the same political party.

In the appointment of members of the authority, consideration should be given to achieving a membership of high quality and varied experience, with special emphasis on the fields of banking, finance, investment, and housing and urban development.

b. Each member appointed by the Governor shall hold office for the term of his appointment and until his successor shall have been appointed and qualified. A member shall be eligible for reappointment. Any vacancy in the membership occurring other than by expiration of term shall be filled in the same manner as the original appointment but for the unexpired term only.

c. The member of the Casino Control Commission appointed by the Governor shall serve as a member of the Casino Reinvestment Development Authority at the pleasure of the Governor, subject to the limitations in subsections c., f., and h. of section 52 of P.L.1977, c.110 (C.5:12-52). The member may be removed or suspended from office as a member of the Casino Reinvestment Development Authority as provided in section 6 of this act. Any removal or suspension from office of the member of the Casino Control Commission from the Casino Reinvestment Development Authority shall not affect his office held as a member of the Casino Control Commission. Removal from office as a member of the Casino Control Commission may only be done in accordance with subsection g. of section 52 of P.L.1977, c.110 (C.5:12-52).

11. Section 83 of P.L.1977, c.110 (C.5:12-83) is amended to read as follows:

C.5:12-83 Approved hotel.

83. Approved Hotel. a. An approved hotel for purposes of this act shall be a hotel providing facilities in accordance with this section. Nothing in this section shall be construed to limit the authority of the commission to determine the suitability of facilities as provided in this act, and nothing in this section shall be construed to require a casino to be smaller than the maximum size herein provided.

b. (1) In the case of a casino hotel in operation on June 29, 1991, an approved hotel shall:

(a) contain at least the number of qualifying sleeping units, as defined in section 27 of P.L.1977, c.110 (C.5:12-27), which it had on that date, except that those units may be consolidated and reconfigured in order to form suites so long as there remain at least 500 qualifying sleeping units; and

(b) contain a casino of not more than the amount of casino space authorized on the basis of the provisions of this section which were in effect on June 28, 1991 and applicable to that casino at that time, unless the number of qualifying sleeping units under subparagraph (a) of this paragraph and the number of any qualifying sleeping units added after June 29, 1991 permit an increase on the following basis: 50,000 square feet for the first 500 qualifying sleeping units and 10,000 square feet for each additional 100 qualifying sleeping units above 500, up to a maximum of 200,000 square feet. No casino hotel in operation on June 29, 1991 shall be required to reduce the amount of its casino space below the amount authorized as of June 28, 1991 unless the number of qualifying sleeping units is reduced below the number required in subparagraph (a) of this paragraph.

For the purpose of increasing casino space, an agreement approved by the commission for the addition of qualifying sleeping units within two years after the commencement of gaming operations in the additional casino space shall be deemed an addition of those rooms, but if the agreement is not fulfilled due to conditions within the control of the casino licensee, the casino licensee shall close the additional casino space or any portion thereof as directed by the commission.

The calculation of the number of qualifying sleeping units added with respect to any such casino hotel shall not include any qualifying sleeping unit or other hotel or motel room in existence in Atlantic City on June 29, 1991, whether or not that unit or room was offered or usable for occupancy on that date, or any replacement for such a unit or room which results from construction or renovation after that date, except that any hotel room in existence in Atlantic City on June 29, 1991 which was not used or available for use on that date and for at least 10 years prior to that date and which is reconstructed or replaced after the effective date of this amendatory and supplementary act, P.L.1993, c.159, and meets the specifications of a sleeping unit prescribed in section 27 of P.L.1977, c.110 (C.5:12-27) may be included in such calculation.

(2) In the case of a hotel in operation on June 29, 1991 in which a licensed casino was located and operated prior to, but not as of, that date, and in which a casino is reestablished after that date, an approved hotel shall:

(a) contain at least the number of qualifying sleeping units, as defined in section 27 of P.L.1977, c.110 (C.5:12-27), which it had on the date the casino ceased operations prior to June 29, 1991, except that those units may be consolidated and reconfigured in order to form suites so long as there remain at least 500 qualifying sleeping units; and

(b) contain a casino of not more than the amount of casino space the casino had on the date it ceased operations prior to June 29, 1991 unless the number of qualifying sleeping units under subparagraph (a) of this paragraph and the number of any qualifying sleeping units added after that date permit an increase on the following basis: 50,000 square feet for the first 500 qualifying sleeping units and 10,000 square feet for each additional 100 qualifying sleeping units above 500, up to a maximum of 200,000 square feet. No casino hotel which operates pursuant to this paragraph shall be required to reduce the amount of its casino space below the amount it had on the date it ceased operations unless the number of qualifying sleeping units is reduced below the number required in subparagraph (a) of this paragraph.

For the purpose of increasing casino space, an agreement approved by the commission for the addition of qualifying sleeping units within two years after the commencement of gaming operations in the additional casino space shall be deemed an addition of those rooms, but if the agreement is not fulfilled due to conditions within the control of the casino licensee, the casino licensee shall close the additional casino space or any portion thereof as directed by the commission.

The calculation of the number of qualifying sleeping units added with respect to any such hotel shall not include any qualifying sleeping unit or other hotel or motel room in existence in Atlantic City on June 29, 1991, whether or not that unit or room was offered or usable for occupancy on the effective date, or any replacement for such a unit or room which results from construction or renovation after that date, except that any hotel room in existence in Atlantic City on June 29, 1991 which was not used or available for use on that date and for at least 10 years prior to that date and which is reconstructed or replaced after the effective date of this amendatory and supplementary act, P.L.1993, c.159, and meets the specifications of a sleeping unit prescribed in section 27 of P.L.1977, c.110 (C.5:12-27) may be included in such calculation.

c. In the case of a casino hotel not in operation prior to or on June 29, 1991, an approved hotel shall contain at least 500 qualifying sleeping units, as defined in section 27 of the "Casino Control Act," P.L.1977, c.110 (C.5:12-27), and a single casino room of not more than 50,000 square feet, except that for each additional 100 qualifying sleeping units above 500, the maximum size of the casino room may be increased by 10,000 square feet, up to a maximum of 200,000 square feet. The calculation of the number of qualifying sleeping units with respect to any such casino hotel shall not include any qualifying sleeping unit or other hotel or motel room in existence in Atlantic City on June 29, 1991, whether or not that unit or room was offered or usable for occupancy on that date, or any replacement for such a unit or room which results from construction or renovation after that date, except that any hotel room in existence in Atlantic City on June 29, 1991 which was not used or available for use on that date and for at least 10 years prior to that date and which is reconstructed or replaced after the effective date of this amendatory and supplementary act, P.L.1993, c.159, and meets the specifications of a sleeping unit prescribed in section 27 of P.L.1977, c.110 (C.5:12-27) may be included in such calculation.

d. Once a hotel is initially approved, the commission shall thereafter rely on the certification of the casino licensee with regard to the number of rooms and shall permit rehabilitation, renovation and alteration of any part of the approved hotel even if the rehabilitation, renovation, or alteration will mean that the casino licensee does not temporarily meet the requirements of subsection c. so long as the licensee certifies that the rehabilitation, renovation, or alteration shall be completed within one year.

e. (Deleted by amendment, P.L.1987, c.352).

f. (Deleted by amendment, P.L.1991, c.182).

g. (Deleted by amendment, P.L.1991, c.182).

h. (Deleted by amendment, P.L.1991, c.182).

i. The commission shall not impose any criteria or requirements regarding the contents of the hotel in addition to the criteria and requirements expressly specified in the "Casino Control Act," P.L.1977, c.110 (C.5:12-1 et seq.); provided, however, that the commission shall be authorized to require each casino licensee to establish and maintain an approved hotel which is in all respects a superior, first-class facility of exceptional quality which will help restore Atlantic City as a resort, tourist and convention destination.

12. This act shall take effect immediately.

Approved June 29, 1993.

CHAPTER 160

AN ACT concerning sentences imposed for offenses committed under certain circumstances and amending N.J.S.2C:44-5.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. N.J.S.2C:44-5 is amended to read as follows:

Multiple sentences; concurrent and consecutive terms.

2C:44-5. Multiple Sentences; Concurrent and Consecutive Terms. a. Sentences of imprisonment for more than one offense.

When multiple sentences of imprisonment are imposed on a defendant for more than one offense, including an offense for which a previous suspended sentence or sentence of probation has been revoked, such multiple sentences shall run concurrently or consecutively as the court determines at the time of sentence, except that:

(1) The aggregate of consecutive terms to a county institution shall not exceed 18 months; and

(2) Not more than one sentence for an extended term shall be imposed.

b. Sentences of imprisonment imposed at different times. When a defendant who has previously been sentenced to imprisonment is subsequently sentenced to another term for an offense committed prior to the former sentence, other than an offense committed while in custody:

(1) The multiple sentences imposed shall so far as possible conform to subsection a. of this section; and

(2) Whether the court determines that the terms shall run concurrently or consecutively, the defendant shall be credited with time served in imprisonment on the prior sentence in determining the permissible aggregate length of the term or terms remaining to be served; and

(3) When a new sentence is imposed on a prisoner who is on parole, the balance of the parole term on the former sentence shall not be deemed to run during the period of the new imprisonment unless the court determines otherwise at the time of sentencing.

c. Sentence of imprisonment for offense committed while on parole. When a defendant is sentenced to imprisonment for an offense committed while on parole in this State, such term of imprisonment and any period of reimprisonment that the parole board may require the defendant to serve upon the revocation of his parole shall run consecutively unless the court orders these sentences to run concurrently.

d. Multiple sentences of imprisonment in other cases. Except as otherwise provided in this section, multiple terms of imprisonment shall run concurrently or consecutively as the court determines when the second or subsequent sentence is imposed.

e. Calculation of concurrent and consecutive terms of imprisonment.

(1) When terms of imprisonment run concurrently, the shorter terms merge in and are satisfied by discharge of the longest term.

(2) When terms of imprisonment run consecutively, the terms are added to arrive at an aggregate term to be served equal to the sum of all terms.

f. Suspension of sentence or probation and imprisonment; multiple terms of suspension and probation. When a defendant is sentenced for more than one offense or a defendant already under sentence is sentenced for another offense committed prior to the former sentence:

(1) The court shall not sentence to probation a defendant who is under sentence of imprisonment, except as authorized by paragraph (2) of subsection b. of N.J.S.2C:43-2;

(2) Multiple periods of suspension or probation shall run consecutively, unless the court orders these sentences to run concurrently from the date of the first such disposition;

(3) When a sentence of imprisonment in excess of one year is imposed, the service of such sentence shall satisfy a suspended sentence on another count or prior suspended sentence or sentence to probation, unless the suspended sentence or probation has been violated in which case any imprisonment for the violation shall run consecutively; and

(4) When a sentence of imprisonment of one year or less is imposed, the period of a suspended sentence on another count or a prior suspended sentence or sentence to probation shall run during the period of such imprisonment, unless the suspended sentence or probation has been violated in which case any imprisonment for the violation shall run consecutively.

g. Offense committed while under suspension of sentence or probation. When a defendant is convicted of an offense committed while under suspension of sentence or on probation and such suspension or probation is not revoked:

(1) If the defendant is sentenced to imprisonment in excess of one year, the service of such sentence shall not satisfy the prior suspended sentence or sentence to probation, unless the court determines otherwise at the time of sentencing;

(2) If the defendant is sentenced to imprisonment of one year or less, the period of the suspension or probation shall not run during the period of such imprisonment; and

(3) If sentence is suspended or the defendant is sentenced to probation, the period of such suspension or probation shall run concurrently with or consecutively to the remainder of the prior periods, as the court determines at the time of sentence.

h. Offense committed while released pending disposition of a previous offense. When a defendant is sentenced to imprisonment for an offense committed while released, with or without bail, pending disposition of a previous offense, the term of imprisonment shall run consecutively to any sentence of imprisonment imposed for the previous offense, unless the court, in consideration of the character and conditions of the defendant, finds that imposition of consecutive sentences would be a serious injustice which overrides the need to deter such conduct by others.

2. This act shall take effect immediately.

Approved June 29, 1993.

CHAPTER 161

AN ACT concerning visitation rights for grandparents and amending P.L.1971, c.420.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. Section 1 of P.L.1971, c.420 (C.9:2-7.1) is amended to read as follows:

C.9:2-7.1 Visitation rights for grandparents, siblings.

1.a. A grandparent or any sibling of a child residing in this State may make application before the Superior Court, in accordance with the Rules of Court, for an order for visitation. It shall be the burden of the applicant to prove by a preponderance of the evidence that the granting of visitation is in the best interests of the child.

b. In making a determination on an application filed pursuant to this section, the court shall consider the following factors:

(1) The relationship between the child and the applicant;

(2) The relationship between each of the child's parents or the person with whom the child is residing and the applicant;

(3) The time which has elapsed since the child last had contact with the applicant;

(4) The effect that such visitation will have on the relationship between the child and the child's parents or the person with whom the child is residing;

(5) If the parents are divorced or separated, the time sharing arrangement which exists between the parents with regard to the child;

(6) The good faith of the applicant in filing the application;

(7) Any history of physical, emotional or sexual abuse or neglect by the applicant; and

(8) Any other factor relevant to the best interests of the child.

c. With regard to any application made pursuant to this section, it shall be prima facie evidence that visitation is in the child's best interest if the applicant had, in the past, been a full-time caretaker for the child.

2. This act shall take effect immediately.

Approved June 29, 1993.

CHAPTER 162

AN ACT concerning small group health benefits plans, amending and supplementing P.L.1992, c.162, repealing section 30 of P.L.1992, c.162 and amending P.L.1964, c.104.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. Section 1 of P.L.1992, c.162 (C.17B:27A-17) is amended to read as follows:

C.17B:27A-17 Definitions.

1. As used in this act:

"Actuarial certification" means a written statement by a member of the American Academy of Actuaries or other individual acceptable to the commissioner that a small employer carrier is in compliance with the provisions of section 9 of P.L.1992, c.162 (C.17B:27A-25), based upon examination, including a review of the appropriate records and actuarial assumptions and methods used by the small employer carrier in establishing premium rates for applicable health benefits plans.

"Anticipated loss ratio" means the ratio of the present value of the expected benefits, not including dividends, to the present value of the expected premiums, not reduced by dividends, over the entire period for which rates are computed to provide coverage. For purposes of this ratio, the present values must incorporate realistic rates of interest which are determined before federal taxes but after investment expenses.

"Board" means the board of directors of the program.

"Carrier" means any insurance company, health service corporation, hospital service corporation, medical service corporation or health maintenance organization authorized to issue health benefits plans in this State. For purposes of this act, carriers that are affiliated companies shall be treated as one carrier, except that any insurance company, health service corporation, hospital service corporation, or medical service corporation that is an affiliate of a health maintenance organization located in New Jersey or any health maintenance organization located in New Jersey that is affiliated with an insurance company, health service corporation, hospital service corporation, or medical service corporation shall treat the health maintenance organization as a separate carrier.

"Commissioner" means the Commissioner of Insurance.

"Community rating" means a rating methodology in which the premium for all persons covered by a policy or contract form is the same based upon the experience of the entire pool of risks covered by that policy or contract form without regard to age, gender, health status, residence or occupation.

"Department" means the Department of Insurance.

"Dependent" means the spouse or child of an eligible employee, subject to applicable terms of the health benefits plan covering the employee.

"Eligible employee" means a full-time employee who works a normal work week of 25 or more hours. The term includes a sole proprietor, a partner of a partnership, or an independent contractor, if the sole proprietor, partner, or independent contractor is included as an employee under a health benefits plan of a small employer, but does not include employees who work less than 25 hours a week or work on a temporary or substitute basis.

"Financially impaired" means a carrier which, after the effective date of this act, is not insolvent, but is deemed by the commissioner to be potentially unable to fulfill its contractual obligations or a carrier which is placed under an order of rehabilitation or conservation by a court of competent jurisdiction.

"Health benefits plan" means any hospital and medical expense insurance policy or certificate; health, hospital, or medical service corporation contract or certificate; or health maintenance organization subscriber contract or certificate delivered or issued for delivery in this State by any carrier to a small employer group pursuant to section 3 of P.L.1992, c.162 (C.17B:27A-19). For purposes of this act, "health benefits plan" excludes the following plans, policies, or contracts: accident only, credit, disability, long-term care, coverage for Medicare services pursuant to a contract with the United States government, Medicare supplement, dental only or vision only, insurance issued as a supplement to liability insurance, coverage arising out of a workers' compensation or similar law, automobile medical payment insurance, or personal injury protection coverage issued pursuant to P.L.1972, c.70 (C.39:6A-1 et seq.).

"Late enrollee" means an eligible employee or dependent who requests enrollment in a health benefits plan of a small employer following the initial minimum 30-day enrollment period provided under the terms of the health benefits plan. An eligible employee or dependent shall not be considered a late enrollee if the individual: a. was covered under another employer's health benefits plan at the time he was eligible to enroll and stated at the time of the initial enrollment that coverage under that other employer's health benefits plan was the reason for declining enrollment; b. has lost coverage under that other employer's health benefits plan as a result of termination of employment, the termination of the other plan's coverage, death of a spouse, or divorce; and c. requests enrollment within 90 days after termination of coverage provided under another employer's health benefits plan. An eligible employee or dependent also shall not be considered a late enrollee if the individual is employed by an employer which offers multiple health benefits plans and the individual elects a different plan during an open enrollment period; or if a court of competent jurisdiction has ordered coverage to be provided for a spouse or minor child under a covered employee's health benefits plan and request for enrollment is made within 30 days after issuance of that court order.

"Member" means all carriers issuing health benefits plans in this State on or after the effective date of this act.

"Multiple employer arrangement" means an arrangement established or maintained to provide health benefits to employees and their dependents of two or more employers, whether fully insured or not fully insured, and shall include, but is not limited to, a multiple employer welfare arrangement, or MEWA, multiple employer trust or other form of benefit trust.

"Plan of operation" means the plan of operation of the program including articles, bylaws and operating rules approved pursuant to section 14 of P.L.1992, c.162 (C.17B:27A-30).

"Preexisting condition provision" means a policy or contract provision that excludes coverage under that policy or contract for charges or expenses incurred during a specified period following the insured's effective date of coverage, for a condition that, during a specified period immediately preceding the effective date of coverage, had manifested itself in such a manner as would cause an ordinarily prudent person to seek medical advice, diagnosis, care or treatment, or for which medical advice, diagnosis, care or treatment was recommended or received as to that condition or as to pregnancy existing on the effective date of coverage.

"Program" means the New Jersey Small Employer Health Benefits Program established pursuant to section 12 of P.L.1992, c.162 (C.17B:27A-28).

"Reinsuring carrier" means a small employer carrier electing to receive reimbursement from the program in accordance with section 19 of P.L.1992, c.162 (C.17B:27A-35).

"Risk-assuming carrier" means a small employer carrier electing to assume risks pursuant to section 18 of P.L.1992, c.162 (C.17B:27A-34).

"Small employer" means any person, firm, corporation, partnership, or association actively engaged in business which, on at least 50 percent of its working days during the preceding calendar year quarter, employed at least two but no more than 49 eligible employees, the majority of whom are employed within the State of New Jersey. In determining the number of eligible employees, companies which are affiliated companies shall be considered one employer. Subsequent to the issuance of a health benefits plan to a small employer pursuant to the provisions of this act, and for the purpose of determining eligibility, the size of a small employer shall be determined annually. Except as otherwise specifically provided, provisions of this act which apply to a small employer shall continue to apply until the anniversary date of the health benefits plan next following the date the employer no longer meets the definition of a small employer.

"Small employer carrier" means any carrier that offers health benefits plans covering eligible employees of one or more small employers.

"Small employer health benefits plan" means a health benefits plan for small employers approved by the commissioner pursuant to section 17 of P.L.1992, c.162 (C.17B:27A-33).

2. Section 3 of P.L.1992, c.162 (C.17B:27A-19) is amended to read as follows:

C.17B:27A-19 Five health benefit plans offered to small employers; exceptions.

3. a. Except as provided in subsection f. of this section, every small employer carrier shall, as a condition of transacting busi-

ness in this State, offer to every small employer the five health benefit plans as provided in this section. The board shall establish a standard policy form for each of the five plans, which shall be the only plans offered to small groups on or after January 1, 1994. One policy form shall contain the benefits provided for in sections 55, 57, and 59 of P.L.1991, c.187 (C.17:48E-22.2, 17B:26B-2 and 26:2J-4.3). In the case of indemnity carriers, one policy form shall be established which contains benefits and cost sharing levels which are equivalent to the health benefits plans of health maintenance organizations pursuant to subchapter XI of Pub.L.93-222 (42 U.S.C. §300 et seq.). The remaining policy forms shall contain basic hospital and medical-surgical benefits, including, but not limited to:

(1) Basic inpatient and outpatient hospital care;

(2) Basic and extended medical-surgical benefits;

(3) Diagnostic tests, including X-rays;

(4) Maternity benefits, including prenatal and postnatal care; and

(5) Preventive medicine, including periodic physical examinations and inoculations.

At least three of the forms shall provide for major medical benefits in varying lifetime aggregates, one of which shall provide at least $1,000,000 in lifetime aggregate benefits. The policy forms provided pursuant to this section shall contain benefits representing progressively greater actuarial values.

b. Initially, a carrier shall offer a plan within 90 days of the approval of such plan by the commissioner. Thereafter, the plans shall be available to all small employers on a continuing basis. Every small employer which elects to be covered under any health benefits plan who pays the premium therefor and who satisfies the participation requirements of the plan shall be issued a policy or contract by the carrier.

c. The carrier may establish a premium payment plan which provides installment payments and which may contain reasonable provisions to ensure payment security, provided that provisions to ensure payment security are uniformly applied.

d. In addition to the five standard policies described in subsection a. of this section, the board may develop up to five rider packages. Any such package which a carrier chooses to offer shall be issued to a small employer who pays the premium therefor, and shall be subject to the rating methodology set forth in section 9 of P.L.1992, c.162 (C.17B:27A-25).

e. Notwithstanding the provisions of subsection a. of this section to the contrary, the board may approve a health benefits plan containing only medical-surgical benefits or major medical expense benefits, or a combination thereof, which is issued as a separate policy in conjunction with a contract of insurance for hospital expense benefits issued by a hospital service corporation, if the health benefits plan and hospital service corporation contract combined otherwise comply with the provisions of P.L.1992, c.162 (C.17B:27A-17 et seq.).

f. Notwithstanding the provisions of this section to the contrary, a health maintenance organization which is a qualified health maintenance organization pursuant to the "Health Maintenance Organization Act of 1973," Pub.L.93-222 (42 U.S.C. §300e et seq.) shall be permitted to offer health benefits plans formulated by the board and approved by the commissioner which are in accordance with the provisions of that law in lieu of the five plans required pursuant to this section.

Notwithstanding the provisions of this section to the contrary, a health maintenance organization which is approved pursuant to P.L.1973, c.337 (C.26:2J-1 et seq.) shall be permitted to offer health benefits plans formulated by the board and approved by the commissioner which are in accordance with the provisions of that law in lieu of the five plans required pursuant to this section, except that the plans shall provide the same level of benefits as required for a federally qualified health maintenance organization, including any requirements concerning copayments by enrollees.

g. A carrier shall not be required to own or control a health maintenance organization or otherwise affiliate with a health maintenance organization in order to comply with the provisions of this section, but the carrier shall be required to offer the five health benefits plans which are formulated by the board and approved by the commissioner, including one plan which contains benefits and cost sharing levels that are equivalent to those required for health maintenance organizations.

h. Notwithstanding the provisions of subsection a. of this section to the contrary, the board may modify the benefits provided for in sections 55, 57 and 59 of P.L.1991, c.187 (C.17:48E-22.2, 17B:26B-2 and 26:2J-4.3).

3. Section 4 of P.L.1992, c.162 (C.17B:27A-20) is amended to read as follows:

C.17B:27A-20 Coinsurance, deductibles applicable.

4. Plans required to be offered under this act may be subject to coinsurance and deductibles, which may vary by selected portions of the coverage, except that no deductible applicable to any portion of the coverage shall exceed $250 for an individual or family unit during any benefit year, and no coinsurance applicable to any portion of the coverage shall exceed $500 for an individual or family unit during any benefit year, unless provided by the board pursuant to section 17 of P.L.1992, c.162 (C.17B:27A-33).

4. Section 7 of P.L.1992, c.162 (C.17B:27A-23) is amended to read as follows:

C.17B:27A-23 Policies, contracts renewable; exceptions.

7. Every policy or contract issued to small employers in this State pursuant to P.L.1992, c.162 (C.17B:27A-17 et seq.) shall be renewable with respect to all eligible employees or dependents at the option of the policy or contract holder, or small employer except under the following circumstances:

a. Nonpayment of the required premiums by the policyholder, contract holder, or employer;

b. Fraud or misrepresentation of the policyholder, contract holder, or employer or, with respect to coverage of eligible employees or dependents, the enrollees or their representatives;

c. The number of employees covered under the health benefits plan is less than the number or percentage of employees required by participation requirements under the health benefits policy or contract;

d. Noncompliance with a carrier's employment contribution requirements;

e. Any carrier doing business pursuant to the provisions of this act ceases doing business in the small employer market, if the following conditions are satisfied:

(1) The carrier gives notice to cease doing business in the small employer market to the commissioner not later than eight months prior to the date of the planned withdrawal from the small group market, during which time the carrier shall continue to be governed by this act with respect to business written pursuant to this act. For the purposes of this subsection, "date of withdrawal" means the date upon which the first notice to small employers is sent by the carrier pursuant to paragraph (2) of this subsection;

(2) No later than two months following the date of the notification to the commissioner that the carrier intends to cease doing

business in the small employer market, the carrier shall mail a notice to every small business employer insured by the carrier that the policy or contract of insurance will be terminated. This notice shall be sent by certified mail to the small business employer not less than six months in advance of the effective date of the cancellation date of the policy or contract;

(3) Any carrier that ceases to do business pursuant to this act shall be prohibited from writing new business in the small employer market for a period of five years from the date of notice to the commissioner;

f. In the case of policies or contracts issued in connection with membership in an association or trust of employers, an employer ceases to maintain its membership in the association or trust; or

g. The number of employees covered under the health benefits plan is less than two.

5. Section 9 of P.L.1992, c.162 (C.17B:27A-25) is amended to read as follows:

C.17B:27A-25 Community rating required; other plan requirements.

9. a. (1) Beginning on the third anniversary date of any policy or contract issued in 1994, no small employer health benefits plan shall be issued in this State unless the plan is community rated.

(2) Beginning January 1, 1994 and upon the first anniversary date thereafter of the policy or contract, the premium rate charged by a carrier to the highest rated small group purchasing a small employer health benefits plan issued pursuant to P.L.1992, c.162 (C.17B:27A-17 et seq.) shall not be greater than 300% of the premium rate charged to the lowest rated small group purchasing that same health benefits plan.

(3) Beginning on the second anniversary after the date established in paragraph (2) of this subsection of the policy or contract, the premium rate charged by a carrier to the highest rated small group purchasing a small employer health benefits plan issued pursuant to P.L.1992, c.162 (C.17B:27A-17 et seq.) shall not be greater than 200% of the premium rate charged for the lowest rated small group purchasing that same health benefits plan.

(4) The commissioner shall study the impact on the health insurance marketplace of the transition from the rating methodology described in paragraph (3) of this subsection to community rating. In making this study the commissioner shall consult with representatives of the health insurance industry, health care providers,

consumer and public interest groups and such other persons with expertise deemed relevant by the commissioner. The commissioner shall report his findings to the Governor and the Legislature on a day that the Legislature is in session, on or before July 1, 1996. If the Legislature does not take action within 60 days after its receipt of the commissioner's report, to amend this act, community rating will become effective on January 1, 1997.

(5) Any policy or contract issued after January 1, 1994 to a small employer who was not previously covered by a health benefits plan issued by the issuing small employer carrier, shall be subject to the same premium rate restrictions as provided in paragraphs (1), (2) and (3) of this subsection, which rate restrictions shall be effective on the date the policy or contract is issued.

b. (Deleted by amendment, P.L.1993, c.162).

c. Notwithstanding any other provision of law to the contrary, no carrier offering any health benefits plan pursuant to the provisions of this act shall act to circumvent the intent of this act by acting as a third party administrator for groups of small employers, any one of whom was insured as of September 1, 1992; provided, however, that this provision shall not act to limit a bona fide group of small employers who voluntarily act together to provide health benefits to their employees.

d. Notwithstanding any other provision of law to the contrary, this act shall apply to a carrier which issues a policy to an association or trust of employers, if the group includes one or more member employers or other member groups which have at least two but no more than 49 employees or members exclusive of spouses and dependents; except that, this act shall not apply to a carrier which issued a policy exclusively to the members of an association, on or before the effective date of P.L.1992, c.162 (C.17B:27A-17 et seq.), if the policy was written in the name of the association, the carrier writes no other group health insurance policy in this State and the aggregate number of insured association members exceeds 49.

A carrier which is not exempt from the provisions of this act pursuant to this subsection and which issues a policy to an association or trust of employers after the effective date of P.L.1992, c.162 (C.17B:27A-17 et seq.), shall be required to offer small employer health benefits plans to non-association or trust employers in the same manner as any other small employer carrier is required pursuant to P.L.1992, c.162 (C.17B:27A-17 et seq.).

e. Nothing contained herein shall prohibit the use of premium rate structures to establish different premium rates for individuals and family units.

f. No insurance contract or policy subject to this act may be entered into unless and until the carrier has made an informational filing with the commissioner of a schedule of premiums, not to exceed 12 months in duration, to be paid pursuant to such contract or policy, of the carrier's rating plan and classification system in connection with such contract or policy, and of the actuarial assumptions and methods used by the carrier in establishing premium rates for such contract or policy.

g. (1) Beginning January 1, 1995, a carrier desiring to increase or decrease premiums for any policy form subject to this act may implement such increase or decrease upon making an informational filing with the commissioner of such increase or decrease, along with the actuarial assumptions and methods used by the carrier in establishing such increase or decrease, provided that the anticipated minimum loss ratio for a policy form shall not be less than 75% of the premium therefor. Until December 31, 1996, the informational filing shall also include the carrier's rating plan and classification system in connection with such increase or decrease.

(2) Each calendar year, a carrier shall return, in the form of aggregate benefits for each of the five standard policy forms offered by the carrier pursuant to section 3 of P.L.1992, c.162 (C.17B:27A-19), at least 75% of the aggregate premiums collected for the policy form during that calendar year. Carriers shall annually report, no later than August 1st of each year, the loss ratio calculated pursuant to this section for each such policy form for the previous calendar year. In each case where the loss ratio for a policy fails to substantially comply with the 75% loss ratio requirement, the carrier shall issue a dividend or credit against future premiums for all policyholders with that policy form in an amount sufficient to assure that the aggregate benefits paid in the previous calendar year plus the amount of the dividends and credits shall equal 75% of the aggregate premiums collected for the policy form in the previous calendar year. The dividend or credit shall be issued to each policy which was in effect as of March 30th of the applicable year and remains in effect as of the date the dividend or credit is issued. All dividends and credits must be distributed by December 31 of the year following the calendar year in which the loss ratio requirements were not satisfied. The annual report required by this paragraph shall include a carrier's

calculation of the dividends and credits, as well as an explanation of the carrier's plan to issue dividends or credits. The instructions and format for calculating and reporting loss ratios and issuing dividends or credits shall be specified by the commissioner by regulation. Such regulations shall include provisions for the distribution of a dividend or credit in the event of cancellation or termination by a policyholder.

h. (Deleted by amendment, P.L.1993, c.162).

i. The provisions of this act shall apply to health benefits plans which are delivered, issued for delivery, renewed or continued on or after January 1, 1994.

j. A policy or contract covering two or more employees of a small employer issued by a carrier prior to January 1, 1994 shall remain in effect until the first anniversary date after February 28, 1994 of that policy or contract, but at least 60 days before the first anniversary date thereof the carrier shall be required to offer the small employer a policy or contract pursuant to section 3 of P.L.1992, c.162 (C.17B:27A-19).

6. Section 12 of P.L.1992, c.162 (C.17B:27A-28) is amended to read as follows:

C.17B:27A-28 New Jersey Small Employer Health Benefits Program created.

12. There is created a nonprofit entity to be known as the New Jersey Small Employer Health Benefits Program. All carriers issuing health benefits plan policies and contracts in this State shall be members of this program. The program shall be administered by the board of directors established pursuant to section 13 of P.L.1992, c.162 (C.17B:27A-29).

7. Section 15 of P.L.1992, c.162 (C.17B:27A-31) is amended to read as follows:

C.17B:27A-31 Contents of plan of operation.

15. The plan of operation shall constitute a public record and shall include, but not be limited to, the following:

a. A method of handling and accounting for assets and moneys of the program and an annual fiscal reporting to the commissioner;

b. A means of providing for the filling of vacancies on the board, subject to the approval of the commissioner;

c. (Deleted by amendment, P.L.1993, c.162).

d. The method to be used to determine the extent to which a carrier's payment per insured for each benefit plan provided for under this act exceeds the Statewide average payment per insured for each benefit plan provided for under this act;

e. The method for determining the extent to which a carrier whose average cost of insuring individuals covered by small employer health benefits plans exceeds the threshold described in subsection c. of section 13 of P.L.1992, c.162 (C.17B:27A-29) may receive reimbursement from the program;

f. A statement of the efficiency and risk management standards a carrier must meet before a carrier may receive reimbursement from the program; and

g. Any additional matters which are appropriate to effectuate the provisions of this act.

8. Section 17 of P.L.1992, c.162 (C.17B:27A-33) is amended to read as follows:

C.17B:27A-33 Formulation of five health benefits plans.

17. Subject to the approval of the commissioner, the board shall formulate the five health benefits plans to be made available by small employer carriers in accordance with the provisions of this act, and shall promulgate five standard forms pursuant thereto. The board may establish benefits levels, deductibles and copayments, exclusions, and limitations for such health benefits plans in accordance with the law.

The board shall submit the forms so established to the commissioner for his approval. The commissioner shall approve the forms if he finds them to be consistent with the provisions of section 3 of P.L.1992, c.162 (C.17B:27A-19). Any form submitted to the commissioner by the board shall be deemed approved if not expressly disapproved in writing within 60 days of its receipt by the commissioner. Such forms may contain, but shall not be limited to, the following provisions:

a. Utilization review of health care services, including review of medical necessity of hospital and physician services;

b. Managed care systems, including large case management;

c. Provision for selective contracting with hospitals, physicians, and other health care providers;

d. Reasonable benefits differentials which are applicable to participating and nonparticipating providers;

e. Notwithstanding the provisions of section 4 of P.L.1992, c.162 (C.17B:27A-20) to the contrary, the board may, from time to time, adjust coinsurance and deductibles;

f. Such other provisions which may be quantifiably established to be cost containment devices;

g. The department shall publish annually a list of the premiums charged for each of the five small employer health benefits plans and for any rider package by all carriers writing such plans. The department shall also publish the toll free telephone number of each such carrier.

9. Section 21 of P.L.1992, c.162 (C.17B:27A-37) is amended to read as follows:

C.17B:27A-37 Board to determine net loss by program; recouping.

21. a. Following the close of the calendar year ending December 31, the board shall determine the total amount owed by the program in that calendar year to all carriers qualifying for reimbursement by the program. Such amount shall be known as the net loss of the program.

b. Any net loss for the year shall be recouped by assessments of members. Assessments shall first be apportioned by the board among all reinsuring carrier members in proportion to their respective shares of the plan premiums earned in this State from health benefits plans covering small employers during the calendar year coinciding with or ending during the fiscal year of the program, or on any other equitable basis reflecting coverage of small employers as may be provided in the plan of operation. In making this determination, the board may base the assessments upon annual reports and other data filed by the member small employer carrier.

c. If the net loss is not recouped before assessments totaling 4% of the aggregate premiums from policies or contracts covering small employers have been collected from reinsuring small employer carriers, additional assessments not to exceed 1% of the aggregate premiums from all health benefits policies or contracts shall be apportioned by the board among all members, including risk-assuming carriers, in proportion to their respective shares of the total health benefits plan premiums earned in this State from all health benefits plans during the preceding calendar year. A carrier shall receive a credit against this assessment to the extent the carrier can demonstrate that its assumption of high-risk small employer groups which are not reinsured is proportionate to its market share of small employer health benefits plans, as such groups and market shares are defined by the board in the plan of operation. A carrier shall not be assessed for all individual nongroup contracts or policies issued on a guaranteed issue basis or on any coverage issued by the carrier pursuant to the Medicaid program, P.L.1968, c.413 (C.30:4D-1 et seq.).

d. If assessments exceed actual losses and administrative expenses of the program, the excess shall be held as interest and used by the board to offset future losses or to reduce program premiums. As used in this subsection, "future losses" includes reserves for incurred but not reported claims.

e. Provision may be established in the plan of operation for the imposition of an interest penalty for late payment of assessments.

10. Section 8 of P.L.1992, c.162 (C.17B:27A-24) is amended to read as follows:

C.17B:27A-24 Reasonable specified minimum participation.

8. Any small employer carrier may require a reasonable specified minimum participation of eligible employees, which shall not exceed 75%, or reasonable minimum employer contributions in determining whether to accept a small group pursuant to this act. The standards so established by the carrier shall be first approved by the board and shall be applied uniformly to all small groups, except that in no event shall a carrier require an employer to contribute more than 10% to the annual cost of the policy or contract, or an amount as otherwise provided by the board, and any minimum participation standards established by the carrier shall be reasonable. In establishing the percentage of employee participation, a one-to-one credit shall be given for each employee covered by a spouse's health benefits coverage. In calculating an employer's participation, the carrier shall include all insured employees, regardless of whether the employees chose an indemnity plan or a health maintenance organization, or a combination thereof.

11. Section 10 of P.L.1992, c.162 (C.17B:27A-26) is amended to read as follows:

C.17B:27A-26 Health maintenance organization coverage; exceptions.

10. a. No health maintenance organization shall be required to offer coverage or accept applications pursuant to section 3 of this act to a small employer if the small employer is not physically located in the health maintenance organization's approved service area, to an employee when the employee does not work or reside within a service area, or if the health maintenance organization reasonably anticipates and demonstrates to the satisfaction of the commissioner that it will not have the capacity in its network of

providers within the service area to deliver service adequately to the members of such groups because of its obligations to existing group contract holders and enrollees.

b. No small employer carrier shall be required to offer coverage or accept applications pursuant to this act for any period of time in which the commissioner determines that the requiring of the issuing of policies or contracts pursuant to this act would place the carrier in a financially impaired position.

c. A health maintenance organization which complies with the basic health benefits, underwriting and rating standards established by the federal government pursuant to subchapter XI of Pub.L.93-222 (42.U.S.C.§300e et seq.), and which also provides the comprehensive health benefit plans coverage required by subsection f. of section 3 of P.L.1992, c.162 (C.17B:27A-19), shall be deemed in compliance with this act.

C.17B:27A-47 Coverage obtained through out-of-State trust, compliance required.

12. Group hospital or medical coverage obtained through an out-of-State trust covering a group of 49 or fewer employees or participating persons who are residents of this State shall comply with the provisions of P.L.1992, c.162 (C.17B:27A-17 et seq.), regardless of the situs of delivery of the policy.

C.17B:27A-48 Multiple employer arrangement; requirements.

13. A multiple employer arrangement covering a group of 49 or fewer employees or participating persons of an individual employer who are residents of this State shall register with the board of directors established pursuant to section 13 of P.L.1992, c.162 (C.17B:27A-29).

The multiple employer arrangement shall be required to offer the health benefits plans established by the board. The premium rates charged for the multiple employer arrangement health benefits plan shall conform to the requirements of section 9 of P.L.1992, c.162 (C.17B:27A-25) and the coverage shall comply with the provisions of subsection b. of section 3 and sections 6 and 7 of P.L.1992, c.162 (C.17B:27A-19, 22 and 23), regardless of the situs of delivery of the multiple employer arrangement.

C.17B:27A-49 Notification to commissioner by carrier of multiple employer arrangement.

14. A carrier shall notify the commissioner by December 31 of each year of any health care coverage or benefits, stop-loss coverage or administrative services only contracts it provides or enters into with a multiple employer arrangement that provides health care benefits to employees and their dependents in this State.

C.17B:27A-50 Change of coverage by small employer; restrictions.

15. a. A small employer who purchases a health benefits plan or rider pursuant to P.L.1992, c.162 (C.17B:27A-17 et seq.) shall not be permitted to purchase a health benefits plan or rider with a greater actuarial value until the first anniversary date of the small employer's existing health benefits plan.

b. If, after the first anniversary date of a small employer's health benefits plan, the small employer purchases a health benefits plan or rider of greater actuarial value than the existing health benefits plan or rider, the small employer shall not be permitted to change his health benefits plan or rider to one of lesser actuarial value until the anniversary date of the small employer's existing health benefits plan.

c. Nothing in this section shall be construed to prohibit a small employer who has purchased a health benefits plan or rider pursuant to P.L.1992, c.162 (C.17B:27A-17 et seq.) from purchasing a health benefits plan or rider of lesser actuarial value prior to the anniversary date of the existing health benefits plan or rider, if the existing plan or rider was purchased at least 12 months prior to the latest anniversary date of the plan or rider.

16. Upon the effective date of P.L.1993, c.162 (C.17B:27A-47 et al.) and through December 31, 1993 and notwithstanding the provisions of P.L.1968, c.410 (C.52:14B-1 et seq.) to the contrary, all actions adopted by the board shall be subject to the provisions of this section and any action adopted by the commissioner pursuant to P.L.1992, c.162 (C.17B:27A-17 et seq.), in his discretion, may be subject to the provisions of this section in the same manner as required for the board.

a. For the purposes of this section, "action" includes, but is not limited to:

(1) the establishment and modification of health benefits plans;

(2) procedures and standards for the: (a) assessment of members and the apportionment thereof; (b) filing of policy forms; (c) making of rate filings; (d) evaluation of material submitted by carriers with respect to loss ratios; and (e) establishment of refunds to policy or contract holders; and

(3) the promulgation or modification of policy forms.

"Action" shall not include the hearing and resolution of contested cases, personnel matters and applications for withdrawal or exemptions.

b. Prior to the adoption of an action of the board, the board shall publish notice of its intended action in three newspapers of general circulation in this State, and may publish the notice of intended action in any trade or professional publication which it deems necessary. The notice of intended action shall include procedures for obtaining a detailed description of the intended action and the time, place and manner by which interested persons may present their views. The board shall provide the notice of intended action and a detailed description of the intended action by mail, or otherwise, to affected trade and professional associations, carriers subject to the provisions of P.L.1992, c.162 (C.17B:27A-17 et seq.) and such other interested persons or organizations which may request notification. The board shall forward the notice of intended action and the detailed description of the intended action concurrently to the Office of Administrative Law for publication in the New Jersey Register.

The board shall not charge any fee for placement upon the mailing list of associations, carriers or other persons to be notified, but the board may charge a fee to an association, carrier or other person requesting a copy of the text of the intended action, which fee shall not be in excess of the actual cost of reproducing and mailing the copy.

A copy of the text of the intended action shall be available in the Department of Insurance in accordance with the provisions of P.L.1963, c.73 (C.47:1A-1 et seq.).

c. The board shall hold a public hearing on the establishment and modification of health benefits plans, and the board may hold a public hearing on any other intended action. Notice of a hearing shall be given in the notice of intended action provided for in subsection b. of this section.

d. Whether or not a public hearing is held, the board shall afford all interested persons an opportunity to comment in writing on the intended action. Written comments shall be submitted to the board within the time established by the board in the notice of intended action, which time shall not be less than 15 calendar days from the date of notice.

The board shall give due consideration to all comments received. Within a reasonable period of time following submission of the comments pursuant to this subsection, the board shall prepare for public distribution a report listing all parties who provided written submissions concerning the intended action, summarizing the content of the submissions and providing the board's response to the data, views and arguments contained in the submissions. A copy of the report shall be filed with the Office of Administrative Law for publication in the New Jersey Register.

e. The board may adopt the intended action immediately following the expiration of the public comment period provided in subsection d. of this section, or the hearing provided for in subsection c. of this section, whichever date is later. The final action adopted by the board shall be submitted for publication in the New Jersey Register to the Office of Administrative Law, and shall be effective on the date of the submission or such later date as the board may establish.

f. Actions filed with the Office of Administrative Law pursuant to this section shall be filed subject to the provisions of subsections (a), (c), (d) and (e) of section 5 of P.L.1968, c.410 (C.52:14B-5).

g. Nothing in this section shall be construed to prohibit the board from adopting any action pursuant to the provisions of the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.).

h. Nothing in this section shall be construed to prohibit the commissioner from adopting any rule or regulation pursuant to the provisions of the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), or from taking any other action required or authorized by P.L.1992, c.162 (C.17B:27A-17 et seq.).

C.17B:27A-51 Board actions subject to provisions of section; "action" defined; procedure.

17. Effective January 1, 1994, all actions adopted by the board shall be subject to the provisions of this section, notwithstanding the provisions of P.L.1968, c.410 (C.52:14B-1 et seq.) to the contrary.

a. For the purposes of this section, "action" includes, but is not limited to:

(1) the establishment and modification of health benefits plans;

(2) procedures and standards for the: (a) assessment of members and the apportionment thereof; (b) filing of policy forms; (c) making of rate filings; (d) evaluation of material submitted by carriers with respect to loss ratios; and (e) establishment of refunds to policy or contract holders; and

(3) the promulgation or modification of policy forms.

"Action" shall not include the hearing and resolution of contested cases, personnel matters and applications for withdrawal or exemptions.

b. Prior to the adoption of an action of the board, the board shall publish notice of its intended action in three newspapers of general circulation in this State, and may publish the notice of intended action in any trade or professional publication which it deems necessary. The notice of intended action shall include procedures for obtaining a detailed description of the intended action and the time, place and manner by which interested persons may present their views. The board shall provide the notice of intended action and a detailed description of the intended action by mail, or otherwise, to affected trade and professional associations, carriers subject to the provisions of P.L.1992, c.162 (C.17B:27A-17 et seq.) and such other interested persons or organizations which may request notification. The board shall forward the notice of intended action and the detailed description of the intended action concurrently to the Office of Administrative Law for publication in the New Jersey Register.

The board shall not charge any fee for placement upon the mailing list of associations, carriers or other persons to be notified, but the board may charge a fee to an association, carrier or other person requesting a copy of the text of the intended action, which fee shall not be in excess of the actual cost of reproducing and mailing the copy.

A copy of the text of the intended action shall be available in the Department of Insurance in accordance with the provisions of P.L.1963, c.73 (C.47:1A-1 et seq.).

c. The board shall hold a public hearing on the establishment and modification of health benefits plans, and the board may hold a public hearing on any other intended action. Notice of a hearing shall be given in the notice of intended action provided for in subsection b. of this section.

d. Whether or not a public hearing is held, the board shall afford all interested persons an opportunity to comment in writing on the intended action. Written comments shall be submitted to the board within the time established by the board in the notice of intended action, which time shall not be less than 20 calendar days from the date of notice.

The board shall give due consideration to all comments received. Within a reasonable period of time following submission of the comments pursuant to this subsection, the board shall prepare for public distribution a report listing all parties who provided written submissions concerning the intended action, summarizing the content of the submissions and providing the board's response to the data, views and arguments contained in the submissions. A copy of the report shall be filed with the Office of Administrative Law for publication in the New Jersey Register.

e. The board may adopt the intended action immediately following the expiration of the public comment period provided in subsection d. of this section, or the hearing provided for in subsection c. of this section, whichever date is later. The final action adopted by the board shall be submitted for publication in the New Jersey Register to the Office of Administrative Law, and shall be effective on the date of the submission or such later date as the board may establish.

f. Actions filed with the Office of Administrative Law pursuant to this section shall be filed subject to the provisions of subsections (a), (c), (d) and (e) of section 5 of P.L.1968, c.410 (C.52:14B-5).

g. Nothing in this section shall be construed to prohibit the board from adopting any action pursuant to the provisions of the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.).

h. Nothing in this section shall be construed to prohibit the commissioner from adopting any rule or regulation pursuant to the provisions of the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), or from taking any other action required or authorized by P.L.1992, c.162 (C.17B:27A-17 et seq.).

C.17B:27A-52 Submission of health benefits plans to Legislature.

18. Notwithstanding the provisions of section 16 of P.L.1993, c.162 to the contrary, the board shall submit the health benefits plans it formulates to the Legislature on a day that the Legislature is in session, when it submits the plans to the commissioner for approval pursuant to section 17 of P.L.1992, c.162 (C.17B:27A-33). If the Legislature does not take action in 30 days to amend or otherwise change the plans, the plans shall be effective upon approval by the commissioner or upon such later date as the board determines.

19. Section 16 of P.L.1992, c.162 (C.17B:27A-32) is amended to read as follows:

C.17B:27A-32 Authority of board.

16. The board shall have the authority to:

a. Enter into contracts as are necessary or proper to carry out the provisions and purposes of this act;

b. Sue or be sued, including taking any legal actions as may be necessary for recovery of any assessments due to the program or to avoid paying any improper claims;

c. Establish rules, conditions, and procedures pertaining to the reimbursement and assessment of members by the program;

d. Assess members in accordance with the provisions of this act, including such interim assessments as may be reasonable and necessary for organizational and reasonable operating expenses.

Such interim assessments shall be credited as offsets against any regular assessments due following the close of the fiscal year;

e. Appoint from among its members appropriate legal, actuarial, and other committees as necessary to provide technical assistance in the operation of the program, policy and other contract design, and any other function within the authority of the program; and

f. Contract for an independent actuary or any other professional services the board deems necessary to carry out its duties under P.L.1992, c.162 (C.17B:27A-17 et seq.).

20. Section 29 of P.L.1992, c.162 (C.17B:27A-45) is amended to read as follows:

C.17B:27A-45 Standard claim form.

29. The board, in conjunction with the board of the New Jersey Individual Health Coverage Program established pursuant to section 9 of P.L.1992, c.161 (C.17B:27A-10) shall promulgate one standard claim form.

In order to provide a standard system of payment for medical services, all claim forms for any claimant's use under a group health insurance policy issued or delivered in this State shall conform to the form adopted by the board.

C.17B:27A-53 Other insurance purchases not required.

21. A carrier shall not require a small employer to purchase any other insurance coverage, including, but not limited to, life insurance, accident insurance or disability insurance, as a condition of or in conjunction with the purchase of a health benefits plan pursuant to P.L.1992, c.162 (C.17B:27A-17 et seq.).

C.17B:27A-54 Commissioner authorized to approve establishment of arrangement; rules, regulations.

22. Notwithstanding any other law to the contrary, the commissioner is authorized to approve the establishment of an arrangement by an insurance company operating pursuant to Title 17B of the New Jersey Statutes and authorized to issue health benefits plans in this State, that is entered into on or after June 1, 1993 and which provides for selective contracting with health care providers and reasonable benefit differentials applicable to participating and nonparticipating health care providers.

The agreement for an arrangement shall be filed and approved by the commissioner before it becomes effective. The commissioner shall approve the agreement if he determines, in consultation with the Commissioner of Health, that the arrangement promotes health care cost containment while adequately preserving quality of care. The commissioner may adopt regulations pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.) necessary to enforce and administer the arrangements.

23. Section 11 of P.L.1992, c.162 (C.17B:27A-27) is amended to read as follows:

C.17B:27A-27 Continued coverage for certain terminated employees.

11. a. Every policy or contract issued to a small employer in this State, including, but not limited to, policies or contracts which are subject to this act and which are delivered, issued, renewed, or continued on or after January 1, 1994, shall offer continued coverage under the plan to any employee whose employment was terminated for a reason other than for cause and to any employee covered by such plan whose hours of employment were reduced to less than 30 subsequent to the effective date of coverage for that employee. The employee shall make a written election for continued coverage within 30 days of a qualifying event. For the purposes of this section, "qualifying event" shall mean the date of termination of employment, or the date on which a reduction in an employee's hours of employment becomes effective. For the purposes of this section, the date on which a health benefits plan is continued shall be the anniversary date of the issuance of the plan.

b. Coverage continued pursuant to subsection a. of this section shall consist of coverage which is identical to the coverage provided under the policy or contract to similarly situated beneficiaries whose coverage has not been terminated or hours of employment reduced. If coverage is modified under the policy or contract for any group of similarly situated beneficiaries, this coverage shall also be modified in the same manner for persons who are qualified beneficiaries entitled pursuant to subsection a. of this section to continued coverage. Continuation of coverage may not be conditioned upon, or discriminate on the basis of, lack of evidence of insurability.

c. The health benefits plan may require payment of a premium by the employee for any period of continuation coverage as provided for in this section, except that the premium shall not exceed 102% of the applicable premium paid for similarly situated beneficiaries under the health benefits plan for a specified period, and may, at the election of the payor, be made in monthly installments. No premium payment shall be due before the 30th day after the day on which the covered employee made the initial election for continued coverage.

d. Coverage continued pursuant to this section shall continue until the earlier of the following:

(1) The date upon which the employer under whose health benefits plan coverage is continued ceases to provide any health benefits plan to any employee or other qualified beneficiary;

(2) The date on which the continued coverage ceases under the health benefits plan by reason of a failure to make timely payment of any premium required under the plan by the former employee having the continued coverage. The payment of any premium shall be considered to be timely if made within 30 days after the due date or within such longer period as may be provided for by the policy or contract; or

(3) The date after the date of election on which the qualified beneficiary first becomes:

(a) Covered under any other health benefits plan, as an employee or otherwise, which does not contain a provision which limits or excludes coverage with respect to any preexisting condition of a covered employee or any spouse or dependent who is included under the coverage provided the covered employee, for such period of the limitation or exclusion; or

(b) Eligible for benefits under Title XVIII of the Social Security Act, Pub.L.89-97 (42 U.S.C. §1395 et seq.).

e. Notice shall be provided to employees at the commencement of coverage as to their continuation rights under the plan. A qualified beneficiary may elect continuation coverage offered pursuant to this section no later than 30 days after the qualifying event. For the purposes of this section, "qualified beneficiary" means any person covered under a small employer group policy.

f. The provisions of this section shall not apply to any person who is a qualified beneficiary for the purposes of continuation of coverage as provided in accordance with section 3011(a) of Title III of Pub.L.100-647 (26 U.S.C. §4980B et al.).

g. In no event shall any continuation of coverage provided for under this section exceed 12 months from the qualifying event.

24. Section 2 of P.L.1964, c.104 (C.17:48-6.1) is amended to read as follows:

C.17:48-6.1 Group contracts issued by hospital service corporation.

2. A hospital service corporation may issue to a policyholder a group contract, covering at least two employees or members at the date of issue, if it conforms to the following description:

(a) A contract issued to an employer or to the trustees of a fund established by one or more employers, or issued to a labor union, or issued to an association formed for purposes other than obtaining such contract, or issued to the trustees of a fund established by one or more labor unions, or by one or more employers and one or more labor unions, covering employees and members of associations or labor unions.

(b) A contract issued to cover any other group which the Commissioner of Insurance determines may be covered in accordance with sound underwriting principles.

Benefits may be provided for one or more members of the families or one or more dependents of persons who may be covered under a group contract referred to in (a) or (b) above.

Family type contracts shall provide that the services applicable for children shall be payable with respect to a newly-born child of the subscriber, or his or her spouse from the moment of birth. The services for newly-born children shall consist of coverage of injury or sickness including the necessary care and treatment of medically diagnosed congenital defects and abnormalities. If a subscription payment is required to provide services for a child, the contract may require that notification of birth of a newly-born child and the required payment must be furnished to the service corporation within 31 days after the date of birth in order to have the coverage continue beyond such 31-day period. Group contracts which provide for services to the subscriber but not to family members or dependents of that subscriber, other than contracts which provide no dependent coverage whatsoever for the subscriber's class, shall also provide services to newly-born children of the subscriber which shall commence with the moment of birth of each child and shall consist of coverage of injury or sickness including the necessary care and treatment of medically diagnosed congenital defects and abnormalities, provided that application therefor and payment of the required subscription amount are made to include in said contract the coverage described in the preceding paragraph of this section within 31 days from the date of birth of a newborn child.

A contract under which coverage of such a dependent terminates at a specified age shall, with respect to an unmarried child, covered by the contract prior to attainment of age 19, who is incapable of self-sustaining employment by reason of mental retardation or physical handicap and who became so incapable prior to attainment of age 19 and who is chiefly dependent upon the covered employee or member for support and maintenance, not so terminate while the coverage of the employee or member remains in force and the dependent remains in such conditions, if the employee or member has within 31 days of such dependent's attainment of the termination age submitted proof of such dependent's incapacity as described herein. The foregoing provisions of this paragraph shall not apply retrospectively or prospectively to require a hospital service corporation to insure as a covered dependent any mentally retarded or physically handicapped child of the applicant where the contract is underwritten on evidence of insurability based on health factors required to be set forth in the application. In such cases any contract heretofore or hereafter issued may specifically exclude such mentally retarded or physically handicapped child from coverage.

Any group contract which contains provisions for the payment by the insurer of benefits for members of the family or dependents of a person in the insured group shall provide that, subject to payment of the appropriate premium, such family members or dependents be permitted to have coverage continued for at least 180 days after the death of the person in the insured group.

The contract may provide that the term "employees" shall include as employees of a single employer the employees of one or more subsidiary corporations and the employees, individual proprietors and partners of affiliated corporations, proprietorships and partnerships if the business of the employer and such corporations, proprietorships or partnerships is under common control through stock ownership, contract or otherwise. The contract may provide that the term "employees" shall include the individual proprietor or partners of an individual proprietorship or a partnership. The contract may provide that the term "employees" shall include retired employees. A contract issued to trustees may provide that the term "employees" shall include the trustees or their employees, or both, if their duties are principally connected with such trusteeship. A contract issued to the trustees of a fund established by the members of an association of employers may provide that the term "employees" shall include the employees of the association.

Repealer.

25. Section 30 of P.L.1992, c.162 (C.17B:27A-46) is repealed.

26. This act shall take effect immediately.

Approved June 30, 1993.

CHAPTER 163

AN ACT concerning early retirement incentives for certain members of the Public Employees' Retirement System and the Teachers' Pension and Annuity Fund who are employed by school boards, educational services commissions and jointure commissions.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. Upon the adoption by resolution of the provisions of this act on or before December 31, 1993 by a school board, educational services commission or jointure commission, and written notification by the school board, educational services commission or jointure commission to the board of trustees of the Public Employees' Retirement System (PERS), the Teachers' Pension and Annuity Fund (TPAF), or both, as appropriate, and to the State Health Benefits Commission established by section 3 of P.L.1961, c.49 (C.52:14-17.27), on or before January 1, 1994, that the school board, educational services commission or jointure commission has so adopted those provisions, an employee of that school board, educational services commission or jointure commission who:

a. is at least 50 years of age and has at least 25 years of service credit under the Public Employees' Retirement System (PERS) or the Teachers' Pension and Annuity Fund (TPAF);

b. files an application to retire on or after January 1, 1994 and on or before June 1, 1994; and

c. retires under the retirement system on or after February 1, 1994, but not later than July 1, 1994, other than a veteran who retires on a special veteran's retirement, shall receive an additional five years of service credit under PERS or TPAF.

An employee who meets the age and service credit requirements and retires on a special veteran's retirement under PERS or TPAF shall receive an additional pension under the retirement system in the amount of 5/60 of final year compensation. The additional retirement benefit under this section is applicable only to the employment with the employer which elects to provide the benefits authorized under this section and from which the employee retires to receive the benefit and the compensation for that employment.

A resolution adopting the provisions of this act shall provide for extension of the benefits coverage provided hereunder to all eligible employees of the school board, educational services commission or jointure commission, and any such resolution which would extend such coverage only to some of those employees or exclude some of those employees from such coverage shall be void.

Any former employee on January 1, 1994 of a school board, educational services commission or jointure commission that has adopted the provisions of this act who retired under PERS or TPAF on or after July 1, 1993 and on or before January 1, 1994 and who, at the time of retirement, met the age and service requirements specified in subsection a. of this section shall receive, effective January 1, 1994, the appropriate additional retirement benefits provided under this section.

2. For an employee of a school board, educational services commission or jointure commission which shall have adopted the provisions of this act and given notice thereof as provided in section 1 who:

a. is at least 60 years of age and has at least 20, but less than 25, years of service credit under the Public Employees' Retirement System (PERS) or the Teachers' Pension and Annuity Fund (TPAF);

b. files an application to retire on or after January 1, 1994 and on or before June 1, 1994; and

c. retires under the retirement system on or after February 1, 1994, but not later than July 1, 1994, the retired employee and that employee's dependents, but not including survivors, shall be eligible for the benefits provided under the "New Jersey State Health Benefits Program Act," P.L.1961, c.49 (C.52:14-17.25 et seq.) in the same manner provided for retired State employees under subsection c. of section 8 of that act (C.52:14-17.32). Any former employee on January 1, 1994 of a school board, educational services commission or jointure commission that has adopted the provisions of this act who retired under PERS or TPAF on or after July 1, 1993 and on or before January 1, 1994 and who, at the time of retirement, met the age and service requirements specified in subsection a. of this section shall also be eligible, effective January 1, 1994, for the benefits provided under this section. For each retired employee and for that employee's eligible dependents, the school board, educational services commission or jointure commission, as the case may be, shall pay the premium or periodic charges for benefits provided under this section to that retired employee and the employee's dependents, but not including survivors, in the same manner as provided for payment by the State of the premium or charges with respect to active covered State employees and their dependents under section 6 of P.L.1961, c.49 (C.52:14-17.30).

3. For an employee of a school board, educational services commission or jointure commission which shall have adopted the provisions of this act and given notice thereof as provided in section 1 who:

a. is at least 60 years of age and has at least 10, but less than 20, years of service credit under the Public Employees' Retirement System (PERS) or the Teachers' Pension and Annuity Fund (TPAF);

b. files an application to retire on or after January 1, 1994 and on or before June 1, 1994; and

c. retires under the retirement system on or after February 1, 1994, but not later than July 1, 1994, the employer shall pay an additional pension of $500 per month in each of the 24 months following the date of retirement.

4. The actuaries for PERS and TPAF shall determine the liability of the retirement systems for the additional service credit or pensions provided under this act and for the early retirement of employees in accordance with the tables of actuarial assumptions adopted by the board of trustees of the retirement system.

For PERS, this liability shall be paid by the employer in level annual payments over the remaining time period provided for payment of the unfunded accrued liability of the retirement system under section 24 of P.L.1954, c.84 (C.43:15A-24) or over lesser alternative time periods as determined by the Director of the Division of Pensions and Benefits.

For TPAF, this liability shall be paid by the employer in level annual payments over the remaining time period provided for the unfunded accrued liability of the system under N.J.S.18A:66-18 or over lesser alternative time periods as determined by the Director of the Division of Pensions and Benefits. The retirement system shall annually certify to each employer the contributions due to the contingent reserve fund for the liability under this act. The contributions certified by the retirement system shall be paid by the employer to the retirement system on or before the date prescribed by law for payment of employer contributions for basic retirement benefits. If payment of the full amount of the contribution certified is not made within 30 days after the last date for payment of employer contributions for basic retirement benefits, interest at the rate of 10% per year shall begin to run against the unpaid balance on the first day after the thirtieth day.

The employer shall pay the cost of the actuarial work to determine the additional liability of the retirement system for the benefits under this act which shall be included in the initial contribution required from the employer.

5. An employee who receives a benefit under this act shall forfeit all tenure rights.

6. Where the needs of a school board, educational services commission or jointure commission require the services of an employee who elects to retire on July 1, 1994 and receive a benefit under this act, the school board, educational services commission or jointure commission may delay, with the consent of the employee, the effective retirement date of the employee until the first day of any calendar month after July 1, 1994, but not later than July 1, 1995. A delay in the effective retirement date of an employee shall not extend the dates set forth in sections 1 through 3 to qualify for benefits under this act.

For a member of PERS or TPAF whose effective retirement date is delayed under this section and who dies before the retirement becomes effective, the retirement shall be effective as of the first day of the month after the date of death of the member if the member's surviving beneficiary requests in writing to the board of trustees of the retirement system that the retirement be effective under the option settlement selected by the member, or under Option 3 if the member did not select an option.

7. An employee retiring under PERS or TPAF with a benefit under this act on or after February 1, 1994, but not later than July 1, 1994, who has not repaid the full amount of a loan from the retirement system by the effective date of retirement, may repay the loan through deductions from the member's retirement benefit payments in the same monthly amount which was deducted from the member's compensation immediately preceding retirement until the balance of the amount borrowed together with interest at the statutory rate is repaid. If the retiree dies before the outstanding balance of the loan and interest is repaid, the remaining amount shall be repaid as provided in section 2 of P.L.1981, c.55 (C.43:15A-34.1) or section 2 of P.L.1981, c.212 (C.18A:66-35.1), as appropriate.

8. For the purposes of this act:

a. "School board" means the board of education of any local school district, consolidated school district, regional school district, county special services school district, or county vocational school.

b. "Educational services commission" means an agency established in one or more counties for the purpose of carrying on programs of educational research and development and providing to public school districts such educational and administrative services as may be authorized pursuant to rules of the State Board of Education.

c. "Jointure commission" means a commission set up by two or more boards of education to carry out jointly by agreement the duties imposed upon them in regard to the education and training of handicapped pupils.

d. "Final year compensation" means the compensation received in the last 12 months immediately preceding retirement in which compensation is received and upon which contributions are made by the employee to the retirement system.

9. The Director of the Division of Pensions and Benefits may promulgate rules and regulations which the director deems necessary for the effective implementation of this act.

10. This act shall take effect immediately.

Approved June 30, 1993.

CHAPTER 164

AN ACT concerning individual health benefits coverage, amending and supplementing P.L.1992, c.161 and repealing section 16 of P.L.1992, c.161.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. Section 1 of P.L.1992, c.161 (C.17B:27A-2) is amended to read as follows:

C.17B:27A-2 Definitions.

1. As used in sections 1 through 15, inclusive, of this act:

"Board" means the board of directors of the program.

"Carrier" means an insurance company, health service corporation or health maintenance organization authorized to issue health benefits plans in this State. For purposes of this act, carriers that are affiliated companies shall be treated as one carrier.

"Commissioner" means the Commissioner of Insurance.

"Community rating" means a rating system in which the premium for all persons covered by a contract is the same, based on the experience of all persons covered by that contract, without regard to age, sex, health status, occupation and geographical location.

"Department" means the Department of Insurance.

"Dependent" means the spouse or child of an eligible person, subject to applicable terms of the individual health benefits plan.

"Eligible person" means a person who is a resident of the State who is not eligible to be insured under a group health insurance policy, Medicare, or Medicaid.

"Financially impaired" means a carrier which, after the effective date of this act, is not insolvent, but is deemed by the commissioner to be potentially unable to fulfill its contractual obligations, or a carrier which is placed under an order of rehabilitation or conservation by a court of competent jurisdiction.

"Group health benefits plan" means a health benefits plan for groups of two or more persons.

"Health benefits plan" means a hospital and medical expense insurance policy; health service corporation contract; or health maintenance organization subscriber contract delivered or issued for delivery in this State. For purposes of this act, health benefits plan does not include the following plans, policies, or contracts: accident only, credit, disability, long-term care, Medicare supplement coverage, CHAMPUS supplement coverage, coverage for Medicare services pursuant to a contract with the United States government, coverage for Medicaid services pursuant to a contract with the State, coverage arising out of a workers' compensation or similar law, automobile medical payment insurance, personal injury protection insurance issued pursuant to P.L.1972, c.70 (C.39:6A-1 et seq.), or hospital confinement indemnity coverage.

"Individual health benefits plan" means a. a health benefits plan for eligible persons and their dependents; and b. a certificate issued to an eligible person which evidences coverage under a policy or contract issued to a trust or association, regardless of the situs of delivery of the policy or contract, if the eligible person pays the premium and is not being covered under the policy or contract pursuant to continuation of benefits provisions applicable under federal or State law.

Individual health benefits plan shall not include a certificate issued under a policy or contract issued to a trust, or to the trustees of a fund, which trust or fund is established or adopted by two or more employers, by one or more labor unions or similar employee organizations, or by one or more employers and one or more labor unions or similar employee organizations, to insure employees of the employers or members of the unions or organizations.

"Member" means a carrier that is a member of the program pursuant to this act.

"Modified community rating" means a rating system in which the premium for all persons covered by a contract is formulated based on the experience of all persons covered by that contract, without regard to age, sex, occupation and geographical location, but which may differ by health status. The term modified community rating shall apply to contracts and policies issued prior to the effective date of this act which are subject to the provisions of subsection e. of section 2 of this act.

"Net earned premium" means the premiums earned in this State on health benefits plans, less return premiums thereon and dividends paid or credited to policy or contract holders on the health benefits plan business. Net earned premium shall include the aggregate premiums earned on the carrier's insured group and individual business and health maintenance organization business, including premiums from any Medicare, Medicaid or HealthStart Plus contracts with the State or federal government, but shall not include any excess or stop loss coverage issued by a carrier in connection with any self insured health benefits plan, or Medicare supplement policies or contracts.

"Open enrollment" means the offering of an individual health benefits plan to any eligible person on a guaranteed issue basis, pursuant to procedures established by the board.

"Plan of operation" means the plan of operation of the program adopted by the board pursuant to this act.

"Preexisting condition" means a condition that, during a specified period of not more than six months immediately preceding the effective date of coverage, had manifested itself in such a manner as would cause an ordinarily prudent person to seek medical advice, diagnosis, care or treatment, or for which medical advice, diagnosis, care or treatment was recommended or received as to that condition or as to a pregnancy existing on the effective date of coverage.

"Program" means the New Jersey Individual Health Coverage Program established pursuant to this act.

2. Section 2 of P.L.1992, c.161 (C.17B:27A-3) is amended to read as follows:

C.17B:27A-3 Individual health benefits plans, applicability of act.

2. a. An individual health benefits plan issued on or after the effective date of this act shall be subject to the provisions of this act.

b. (1) An individual health benefits plan issued on an open enrollment, modified community rated basis or community rated basis prior to the effective date of this act shall not be subject to sections 3 through 8, inclusive, of this act, unless otherwise specified therein.

(2) An individual health benefits plan issued other than on an open enrollment basis prior to the effective date of this act shall not be subject to the provisions of this act, except that the plan shall be liable for assessments made pursuant to section 11 of this act.

(3) A group conversion contract or policy issued prior to the effective date of this act that is not issued on a modified community rated basis or community rated basis, shall not be subject to the provisions of this act, except that the contract or policy shall be liable for assessments made pursuant to section 11 of this act.

c. After the effective date of this act, an individual who is eligible to participate in a group health benefits plan that provides coverage for hospital or medical expenses shall not be covered by an individual health benefits plan which provides benefits for hospital and medical expenses that are the same or similar to coverage provided in the group health benefits plan, except that an individual who is eligible to participate in a group health benefits plan but is currently covered by an individual health benefits plan may continue to be covered by that plan until the first anniversary date of the group plan occurring on or after January 1, 1994.

d. Except as otherwise provided in subsection c. of this section, after the effective date of this act, a person who is covered by an individual health benefits plan who is a participant in, or is eligible to participate in, a group health benefits plan that provides the same or similar coverages as the individual health benefits plan, and a person, including an employer or insurance producer, who causes another person to be covered by an individual health benefits plan which person is a participant in, or who is eligible to participate in a group health benefits plan that provides the same or similar coverages as the individual health benefits plan, shall be subject to a fine by the commissioner in an amount not less than twice the annual premium paid for the individual health benefits plan, together with any other penalties permitted by law.

e. Every individual health benefits plan issued prior to the effective date of this act shall be rated as follows:

(1) No later than 180 days after the effective date of this act, the premium rate charged by a carrier to the highest rated individual who purchased an individual health benefits plan prior to the effective date of this act shall not be greater than 150% of the premium rate charged to the lowest rated individual purchasing that same or a similar health benefits plan.

(2) During the period July 1, 1994 to June 30, 1995, the premium rate charged by a carrier to the highest rated individual who purchased an individual health benefits plan prior to the effective date of this act shall not be greater than 125% of the premium rate charged to the lowest rated individual purchasing that same or a similar health benefits plan.

(3) On and after July 1, 1995, every individual health benefits plan which was issued before the effective date of this act shall be community rated upon the date of its renewal.

(4) A carrier that issues an individual health benefits plan with modified community rating subject to the provisions of this subsection shall make an informational filing with the board whenever it adjusts or modifies its rates.

3. Section 3 of P.L.1992, c.161 (C.17B:27A-4) is amended to read as follows:

C.17B:27A-4 Offering of individual health benefits plans required.

3. a. No later than 180 days after the effective date of this act, a carrier shall, as a condition of issuing health benefits plans in this State, offer individual health benefits plans. The plans shall be offered on an open enrollment, community rated basis, pursuant to the provisions of this act; except that a carrier shall be deemed to have satisfied its obligation to provide the individual health benefits plans by paying an assessment or receiving an exemption pursuant to section 11 of this act.

b. A carrier shall offer to an eligible person a choice of five individual health benefits plans, any of which may contain provisions for managed care. One plan shall be a basic health benefits plan, one plan shall be a managed care plan and three plans shall include enhanced benefits of proportionally increasing actuarial value. A carrier may elect to convert any individual health benefits plans in force on the effective date of this act to any of the five benefit plans, except that the replacement plan shall be of no less actuarial value than the policy or contract being replaced.

Notwithstanding the provisions of this subsection to the contrary, at any time after three years after the effective date of this act, the board, by regulation, may reduce the number of plans required to be offered by a carrier.

Notwithstanding the provisions of this subsection to the contrary, a health maintenance organization which is a qualified health maintenance organization pursuant to the "Health Maintenance Organization Act of 1973," Pub.L.93-222 (42 U.S.C.§300e et seq.) shall be permitted to offer a basic health benefits plan in accordance with the provisions of that law in lieu of the five plans required pursuant to this subsection.

c. (1) A basic health benefits plan shall provide the benefits set forth in section 55 of P.L.1991, c.187 (C:17:48E-22.2), section 57 of P.L.1991, c.187 (C.17B:26B-2) or section 59 of P.L.1991, c.187 (C.26:2J-4.3), as the case may be.

(2) Notwithstanding the provisions of this subsection or any other law to the contrary, a carrier may, with the approval of the board, modify the coverage provided for in sections 55, 57, and 59 of P.L.1991, c.187 (C.17:48E-22.2, 17B:26B-2 and 26:2J-4.3, respectively) or provide alternative benefits or services from those required by this subsection if they are within the intent of this act or if the board changes the benefits included in the basic health benefits plan.

(3) A contract or policy for a basic health benefits plan provided for in this section may contain or provide for coinsurance or deductibles, or both, except that no deductible shall be payable in excess of a total of $250 by an individual or $500 by a family unit during any benefit year; and no coinsurance shall be payable in excess of a total of $500 by an individual or by a family unit during any benefit year.

(4) Notwithstanding the provisions of paragraph (3) of this subsection or any other law to the contrary, a carrier may provide for increased deductibles or coinsurance for a basic health benefits plan if approved by the board or if the board increases deductibles or coinsurance included in the basic health benefits plan.

(5) The provisions of section 13 of P.L.1985, c.236 (C:17:48E-13), N.J.S.17B:26-1, and section 8 of P.L.1973, c.337 (C.26:2J-8)

with respect to the filing of policy forms shall not apply to health plans issued on or after the effective date of this act.

(6) The provisions of section 27 of P.L.1985, c.236 (C.17:48E-27) and section 7 of P.L.1988, c.71 (C.17:48E-27.1) with respect to rate filings shall not apply to individual health plans issued on or after the effective date of this act.

d. Every group conversion contract or policy issued after the effective date of this act shall be issued pursuant to this section; except that this requirement shall not apply to any group conversion contract or policy in which a portion of the premium is chargeable to, or subsidized by, the group policy from which the conversion is made.

e. If all five of the individual health benefits plans are not established by the board by the effective date of P.L.1993, c.164 (C.17B:27A-16.1 et al.), a carrier may phase-in the offering of the five health benefits plans by offering each health benefits plan as it is established by the board; however, once the board establishes all five plans, the carrier shall be required to offer the five plans in accordance with the provisions of P.L.1992, c.161 (C.17B:27A-2 et al.).

4. Section 6 of P.L.1992, c.161 (C.17B:27A-7) is amended to read as follows:

C.17B:27A-7 Establishment of policy and contract forms, benefit levels.

6. The board shall establish the policy and contract forms and benefit levels to be made available by all carriers for the policies required to be issued pursuant to section 3 of this act. The board shall provide the commissioner with an informational filing of the policy and contract forms and benefit levels it establishes.

a. The individual health benefits plans established by the board may include cost containment measures such as, but not limited to: utilization review of health care services, including review of medical necessity of hospital and physician services; case management benefit alternatives; selective contracting with hospitals, physicians, and other health care providers; and reasonable benefit differentials applicable to participating and nonparticipating providers; and other managed care provisions.

b. An individual health benefits plan offered pursuant to section 3 of this act shall contain a limitation of no more than 12 months on coverage for preexisting conditions, except that the limitation shall not apply to an individual who has, under a prior group or individual health benefits plan, with no intervening lapse in coverage, been treated or diagnosed by a physician for a condition under that plan or satisfied a 12 month preexisting condition limitation.

c. In addition to the five standard individual health benefits plans provided for in section 3 of this act, the board may develop up to five rider packages. Premium rates for the rider packages shall be determined in accordance with section 8 of this act.

d. After the board's establishment of the individual health benefits plans required pursuant to section 3 of this act, and notwithstanding any law to the contrary, a carrier shall file the policy or contract forms with the board and certify to the board that the health benefits plans to be used by the carrier are in substantial compliance with the provisions in the corresponding board approved plans. The certification shall be signed by the chief executive officer of the carrier. Upon receipt by the board of the certification, the certified plans may be used until the board, after notice and hearing, disapproves their continued use.

5. Section 9 of P.L.1992, c.161 (C.17B:27A-10) is amended to read as follows:

C.17B:27A-10 New Jersey Individual Health Coverage Program; board of directors.

9. a. There is created the New Jersey Individual Health Coverage Program. All carriers subject to the provisions of this act shall be members of the program.

b. Within 30 days of the effective date of this act, the commissioner shall give notice to all members of the time and place for the initial organizational meeting, which shall take place within 60 days of the effective date. The board shall consist of nine representatives. The commissioner or his designee shall serve as an ex officio member on the board. Four members of the board shall be appointed by the Governor, with the advice and consent of the Senate: one of whom shall be a representative of an employer, appointed upon the recommendation of a business trade association, who is a person with experience in the management or administration of an employee health benefit plan; one of whom shall be a representative of organized labor, appointed upon the recommendation of the A.F.L.-C.I.O., who is a person with experience in the management or administration of an employee health benefit plan; and two of whom shall be consumers of a health benefits plan who are reflective of the population in the State. Four board members who represent carriers shall be elected by the members, subject to the approval of the commissioner, as follows: to the extent there is one licensed in this State that is willing to have a representative serve on the board, a representative from each of the following entities shall be elected:

(1) a health service corporation;

(2) a health maintenance organization;

(3) a mutual health insurer of this State subject to Subtitle 3 of Title 17B of the New Jersey Statutes; and

(4) a foreign health insurance company authorized to do business in this State.

In approving the selection of the carrier representatives of the board, the commissioner shall assure that all members of the program are fairly represented.

Initially, two of the Governor's appointees and two of the carrier representatives shall serve for a term of three years; one of the Governor's appointees and one of the carrier representatives shall serve for a term of two years; and one of the Governor's appointees and one of the carrier representatives shall serve for a term of one year. Thereafter, all board members shall serve for a term of three years. Vacancies shall be filled in the same manner as the original appointments.

c. If the initial carrier representatives to the board are not elected at the organizational meeting, the commissioner shall appoint those members to the initial board within 15 days of the organizational meeting.

d. Within 90 days after the appointment of the initial board, the board shall submit to the commissioner a plan of operation and thereafter, any amendments to the plan necessary or suitable to assure the fair, reasonable, and equitable administration of the program. The commissioner may disapprove the plan of operation, if the commissioner determines that it is not suitable to assure the fair, reasonable, and equitable administration of the program, and that it does not provide for the sharing of program losses on an equitable and proportionate basis in accordance with the provisions of section 11 of this act. The plan of operation or amendments thereto shall become effective unless disapproved in writing by the commissioner within 45 days of receipt by the commissioner.

e. If the board fails to submit a suitable plan of operation within 90 days after its appointment, the commissioner shall adopt a temporary plan of operation pursuant to section 7 of P.L.1993, c.164. The commissioner shall amend or rescind a temporary plan adopted under this subsection, at the time a plan of operation is submitted by the board.

f. The plan of operation shall establish procedures for:

(1) the handling and accounting of assets and moneys of the program, and an annual fiscal reporting to the commissioner;

(2) collecting assessments from members to provide for sharing program losses in accordance with the provisions of section 11 of this act and administrative expenses incurred or estimated to be incurred during the period for which the assessment is made;

(3) approving the coverage, benefit levels, and contract forms for individual health benefits plans in accordance with the provisions of section 3 of this act;

(4) the imposition of an interest penalty for late payment of an assessment pursuant to section 11 of this act; and

(5) any additional matters at the discretion of the board.

g. The board shall appoint an insurance producer licensed to sell health insurance pursuant to P.L.1987, c.293 (C.17:22A-1 et seq.) to advise the board on issues related to sales of individual health benefits plans issued pursuant to this act.

6. Section 10 of P.L.1992, c.161 (C.17B:27A-11) is amended to read as follows:

C.17B:27A-11 Powers, authority of program, board.

10. The program shall have the general powers and authority granted under the laws of New Jersey to insurance companies, health service corporations and health maintenance organizations licensed or approved to transact business in this State, except that the program shall not have the power to issue health benefits plans directly to either groups or individuals.

The board shall have the specific authority to:

a. assess members their proportionate share of program losses and administrative expenses in accordance with the provisions of section 11 of this act, and make advance interim assessments, as may be reasonable and necessary for organizational and reasonable operating expenses and estimated losses. An interim assessment shall be credited as an offset against any regular assessment due following the close of the fiscal year;

b. establish rules, conditions, and procedures pertaining to the sharing of program losses and administrative expenses among the members of the program;

c. review rate applications and form filings submitted by carriers in accordance with this act;

d. define the provisions of individual health benefits plans in accordance with the requirements of this act;

e. enter into contracts which are necessary or proper to carry out the provisions and purposes of this act;

f. establish a procedure for the joint distribution of information on individual health benefits plans issued pursuant to section 3 of this act;

g. establish, at the board's discretion, standards for the application of a means test for individual health benefits plans issued pursuant to section 3 of this act;

h. establish, at the board's discretion, reasonable guidelines for the purchase of new individual health benefits plans by persons who already are enrolled in or insured by another individual health benefits plan;

i. establish minimum requirements for performance standards for carriers that are reimbursed for losses submitted to the program and provide for performance audits from time to time;

j. sue or be sued, including taking any legal actions necessary or proper for recovery of an assessment for, on behalf of, or against the program or a member;

k. appoint from among its members appropriate legal, actuarial, and other committees as necessary to provide technical and other assistance in the operation of the program, in policy and other contract design, and any other function within the authority of the program;

l. borrow money to effect the purposes of the program. Any notes or other evidence of indebtedness of the program not in default shall be legal investments for carriers and may be carried as admitted assets; and

m. contract for an independent actuary and any other professional services the board deems necessary to carry out its duties under P.L.1992, c.161 (C.17B:27A-2 et al.).

7. Upon the effective date of this act and through December 31, 1993, all actions adopted by the board shall be subject to the provisions of this section, notwithstanding the provisions of P.L.1968, c.410 (C.52:14B-1 et seq.) to the contrary.

a. For the purposes of this section, "action" includes, but is not limited to:

(1) the establishment and modification of health benefits plans;

(2) procedures and standards for the: (a) assessment of members and the apportionment thereof; (b) filing of policy forms; (c)

making of rate filings; (d) evaluation of material submitted by carriers with respect to loss ratios; and (e) establishment of refunds to policy or contract holders; and

(3) the promulgation or modification of policy forms.

"Action" shall not include the hearing and resolution of contested cases, personnel matters and applications for withdrawal or exemptions.

b. Prior to the adoption of an action of the board, the board shall publish notice of its intended action in three newspapers of general circulation in this State, and may publish the notice of intended action in any trade or professional publication which it deems necessary. The notice of intended action shall include procedures for obtaining a detailed description of the intended action and the time, place and manner by which interested persons may present their views. The board shall provide the notice of intended action and a detailed description of the intended action by mail, or otherwise, to affected trade and professional associations, carriers subject to the provisions of P.L.1992, c.161 (C.17B:27A-2 et al.) and such other interested persons or organizations which may request notification. The board shall forward the notice of intended action and the detailed description of the intended action concurrently to the Office of Administrative Law for publication in the New Jersey Register.

The board shall not charge any fee for placement upon the mailing list of associations, carriers or other persons to be notified, but the board may charge a fee to an association, carrier or other person requesting a copy of the text of the intended action, which fee shall not be in excess of the actual cost of reproducing and mailing the copy.

A copy of the text of the intended action shall be available in the Department of Insurance in accordance with the provisions of P.L.1963, c.73 (C.47:1A-1 et seq.).

c. The board shall hold a public hearing on the establishment and modification of health benefits plans, and the board may hold a public hearing on any other intended action. Notice of a hearing shall be given in the notice of intended action provided for in subsection b. of this section.

d. Whether or not a public hearing is held, the board shall afford all interested persons an opportunity to comment in writing on the intended action. Written comments shall be submitted to the board within the time established by the board in the notice of intended action, which time shall not be less than 15 calendar days from the date of notice.

The board shall give due consideration to all comments received. Within a reasonable period of time following submission of the comments pursuant to this subsection, the board shall prepare for public distribution a report listing all parties who provided written submissions concerning the intended action, summarizing the content of the submissions and providing the board's response to the data, views and arguments contained in the submissions. A copy of the report shall be filed with the Office of Administrative Law for publication in the New Jersey Register.

e. The board may adopt the intended action immediately following the expiration of the public comment period provided in subsection d. of this section, or the hearing provided for in subsection c. of this section, whichever date is later. The final action adopted by the board shall be submitted for publication in the New Jersey Register to the Office of Administrative Law, and shall be effective on the date of the submission or such later date as the board may establish.

f. Actions filed with the Office of Administrative Law pursuant to this section shall be filed subject to the provisions of subsections (a), (c), (d) and (e) of section 5 of P.L.1968, c.410 (C.52:14B-5).

g. Nothing in this section shall be construed to prohibit the board from adopting any action pursuant to the provisions of the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.).

h. Nothing in this section shall be construed to prohibit the commissioner from adopting any rule or regulation pursuant to the provisions of the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), or from taking any other action required or authorized by P.L.1992, c.161 (C.17B:27A-2 et al.).

C.17B:27A-16.1 Board actions subject to provisions of section; "action" defined; procedure.

8. Effective January 1, 1994, all actions adopted by the board shall be subject to the provisions of this section, notwithstanding the provisions of P.L.1968, c.410 (C.52:14B-1 et seq.) to the contrary.

a. For the purposes of this section, "action" includes, but is not limited to:

(1) the establishment and modification of health benefits plans;

(2) procedures and standards for the: (a) assessment of members and the apportionment thereof; (b) filing of policy forms; (c) making of rate filings; (d) evaluation of material submitted by carriers with respect to loss ratios; and (e) establishment of refunds to policy or contract holders; and

(3) the promulgation or modification of policy forms.

"Action" shall not include the hearing and resolution of contested cases, personnel matters and applications for withdrawal or exemptions.

b. Prior to the adoption of an action of the board, the board shall publish notice of its intended action in three newspapers of general circulation in this State, and may publish the notice of intended action in any trade or professional publication which it deems necessary. The notice of intended action shall include procedures for obtaining a detailed description of the intended action and the time, place and manner by which interested persons may present their views. The board shall provide the notice of intended action and a detailed description of the intended action by mail, or otherwise, to affected trade and professional associations, carriers subject to the provisions of P.L.1992, c.161 (C.17B:27A-2 et al.) and such other interested persons or organizations which may request notification. The board shall forward the notice of intended action and the detailed description of the intended action concurrently to the Office of Administrative Law for publication in the New Jersey Register.

The board shall not charge any fee for placement upon the mailing list of associations, carriers or other persons to be notified, but the board may charge a fee to an association, carrier or other person requesting a copy of the text of the intended action, which fee shall not be in excess of the actual cost of reproducing and mailing the copy.

A copy of the text of the intended action shall be available in the Department of Insurance in accordance with the provisions of P.L.1963, c.73 (C.47:1A-1 et seq.).

c. The board shall hold a public hearing on the establishment and modification of health benefits plans, and the board may hold a public hearing on any other intended action. Notice of a hearing shall be given in the notice of intended action provided for in subsection b. of this section.

d. Whether or not a public hearing is held, the board shall afford all interested persons an opportunity to comment in writing on the intended action. Written comments shall be submitted to the board within the time established by the board in the notice of intended action, which time shall not be less than 20 calendar days from the date of notice.

The board shall give due consideration to all comments received. Within a reasonable period of time following submission of the comments pursuant to this subsection, the board shall prepare for public distribution a report listing all parties who provided written submissions concerning the intended action, summarizing the content of the submissions and providing the board's response to the data, views and arguments contained in the submissions. A copy of the report shall be filed with the Office of Administrative Law for publication in the New Jersey Register.

e. The board may adopt the intended action immediately following the expiration of the public comment period provided in subsection d. of this section, or the hearing provided for in subsection c. of this section, whichever date is later. The final action adopted by the board shall be submitted for publication in the New Jersey Register to the Office of Administrative Law, and shall be effective on the date of the submission or such later date as the board may establish.

f. Actions filed with the Office of Administrative Law pursuant to this section shall be filed subject to the provisions of subsections (a), (c), (d) and (e) of section 5 of P.L.1968, c.410 (C.52:14B-5).

g. Nothing in this section shall be construed to prohibit the board from adopting any action pursuant to the provisions of the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.).

h. Nothing in this section shall be construed to prohibit the commissioner from adopting any rule or regulation pursuant to the provisions of the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), or from taking any other action required or authorized by P.L.1992, c.161 (C.17B:27A-2 et al.).

C.17B:27A-16.2 Adoption of temporary plan of operation.

9. a. The commissioner shall, under the procedures provided pursuant to section 7 of P.L.1993, c.164, adopt a temporary plan of operation prepared pursuant to section 9 of P.L.1992, c.161 (C.17B:27A-10), pending submission or approval of a plan of operation prepared by the board pursuant to that section 9.

b. Subsequent amendments to the plan of operation shall be reviewed and approved by the commissioner pursuant to the procedures provided in sections 7 and 8 of P.L.1993, c.164 (C.17B:27A-16.1), as applicable.

C.17B:27A-16.3 Purchase of other insurance coverage not required.

10. A carrier shall not require an eligible person to purchase any other insurance coverage, including, but not limited to, life insurance, accident insurance or disability insurance, as a condition of or in conjunction with the purchase of a health benefits plan pursuant to P.L.1992, c.161 (C.17B:27A-2 et al.).

C.17B:27A-16.4 Adoption of standard claim form.

11. The board, in conjunction with the board of the New Jersey Small Employer Health Benefits Program established pursuant to section 12 of P.L.1992, c.162 (C.17B:27A-28), shall adopt one standard claim form.

In order to provide a standard system of payment for medical services, all claim forms for a claimant's use under an individual health benefits plan issued or delivered in this State shall conform to the form adopted by the board.

Repealer.

12. Section 16 of P.L.1992, c.161 is repealed.

13. This act shall take effect immediately.

Approved June 30, 1993.

CHAPTER 165

AN ACT to amend "An Act making appropriations for the support of the State Government and the several public purposes for the fiscal year ending June 30, 1993 and regulating the disbursement thereof," passed June 30, 1992 (P.L.1992, c.40).

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. The following provision in Section 1 of P.L.1992, c.40 (on page 145 of Senate, No. 1000 (1R)) is amended to read as follows:

STATE AID
82 DEPARTMENT OF THE TREASURY
70 Government Direction, Management and Control
75 State Subsidies and Financial Aid--State Aid
27-2085 Other Distributed Taxes

Notwithstanding the provisions of section 2 of P.L.1980, c.10 (C.54:30A-24.1) and section 4 of P.L.1980, c.11 (C.54:30A-61.1), the payments to municipalities from the proceeds of the public utilities franchise and gross receipts taxes during Fiscal Year 1993 shall be $685,000,000 and the payments due in July, 1992 are limited to $105,000,000; provided that in addition supplementary payments to municipalities from the proceeds of the public utilities franchise and gross receipts taxes during Fiscal Year 1993 totalling $77,000,000 shall be made on or before June 30, 1993; provided further that amounts collected in excess of $762,000,000 shall be anticipated as revenue for general State purposes. The supplementary payment made on or before June 30, 1993 to municipalities shall be in proportion to the amount of the payment each municipality received during Fiscal Year 1993 from the $685,000,000 distribution. The supplementary payment shall be used solely and exclusively by each municipality for the purposes of reducing the amount the municipality is required to raise by local property tax for municipal purposes. In the event that the amount of the supplementary payment exceeds the amount required to be raised by local property tax levy for municipal purposes, the balance of the supplementary payment shall be used to reduce the amount the municipality is required to raise for county purposes, notwithstanding the provisions of law to the contrary. Notwithstanding any provisions of the "Local Budget Law," N.J.S.40A:4-1 et seq., each municipality may anticipate the receipt of the amount of supplementary payment as shall be certified to it by the Director of the Division of Taxation in the Department of the Treasury and shall file any amendment or correction in its local budget as may be required to properly reflect that payment. The Director of the Division of Taxation shall provide the Director of the Division of Local Government Services in the Department of Community Affairs with a list of the certified supplementary payments for all affected municipalities. The Director of the Division of Local Government Services in the Department of Community Affairs shall certify that each municipality has complied with the requirements set forth herein concerning the use of the supplementary payments.

2. This act shall take effect immediately.

Approved July 1, 1993.

CHAPTER 166

AN ACT concerning the exemption of certain non-profit health care property from local property taxation, and amending R.S.54:4-3.6.

New Jersey State Library

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. R.S.54:4-3.6 is amended to read as follows:

Tax exempt property.

54:4-3.6. The following property shall be exempt from taxation under this chapter: all buildings actually used for colleges, schools, academies or seminaries, provided that if any portion of such buildings are leased to profit-making organizations or otherwise used for purposes which are not themselves exempt from taxation, said portion shall be subject to taxation and the remaining portion only shall be exempt; all buildings actually used for historical societies, associations or exhibitions, when owned by the State, county or any political subdivision thereof or when located on land owned by an educational institution which derives its primary support from State revenue; all buildings actually and exclusively used for public libraries, religious worship or asylum or schools for feebleminded or idiotic persons and children; all buildings used exclusively by any association or corporation formed for the purpose and actually engaged in the work of preventing cruelty to animals; all buildings actually and exclusively used and owned by volunteer first-aid squads, which squads are or shall be incorporated as associations not for pecuniary profit; all buildings actually used in the work of associations and corporations organized exclusively for the moral and mental improvement of men, women and children, provided that if any portion of a building used for that purpose is leased to profit-making organizations or is otherwise used for purposes which are not themselves exempt from taxation, that portion shall be subject to taxation and the remaining portion only shall be exempt; all buildings actually and exclusively used in the work of associations and corporations organized exclusively for religious or charitable purposes; all buildings actually used in the work of associations and corporations organized exclusively for hospital purposes, provided that if any portion of a building used for hospital purposes is leased to profit-making organizations or otherwise used for purposes which are not themselves exempt from taxation, that portion shall be subject to taxation and the remaining portion only shall be exempt; all buildings owned or held by an association or corporation created for the purpose of holding the title to such buildings as are actually and exclusively used in the work of two or more associations or corporations organized exclusively for the moral and mental improvement of men, women and children; all buildings owned by a corporation created under or otherwise subject to the provisions of Title 15 of the Revised Statutes or Title 15A of the New Jersey Statutes and actually and exclusively used in the work of one or more associations or corporations organized exclusively for charitable or religious purposes, which associations or corporations may or may not pay rent for the use of the premises or the portions of the premises used by them; the buildings, not exceeding two, actually occupied as a parsonage by the officiating clergymen of any religious corporation of this State, together with the accessory buildings located on the same premises; the land whereon any of the buildings hereinbefore mentioned are erected, and which may be necessary for the fair enjoyment thereof, and which is devoted to the purposes above mentioned and to no other purpose and does not exceed five acres in extent; the furniture and personal property in said buildings if used in and devoted to the purposes above mentioned; all property owned and used by any nonprofit corporation in connection with its curriculum, work, care, treatment and study of feebleminded, mentally retarded, or idiotic men, women, or children shall also be exempt from taxation, provided that such corporation conducts and maintains research or professional training facilities for the care and training of feebleminded, mentally retarded, or idiotic men, women, or children; provided, in case of all the foregoing, the buildings, or the lands on which they stand, or the associations, corporations or institutions using and occupying them as aforesaid, are not conducted for profit, except that the exemption of the buildings and lands used for charitable, benevolent or religious purposes shall extend to cases where the charitable, benevolent or religious work therein carried on is supported partly by fees and charges received from or on behalf of beneficiaries using or occupying the buildings; provided the building is wholly controlled by and the entire income therefrom is used for said charitable, benevolent or religious purposes. The foregoing exemption shall apply only where the association, corporation or institution claiming the exemption owns the property in question and is incorporated or organized under the laws of this State and authorized to carry out the purposes on account of which the exemption is claimed or where an educational institution, as provided herein, has leased said property to a historical society or association or to a corporation organized for such purposes and created under or otherwise subject to the provisions of Title 15 of the Revised Statutes or Title 15A of the New Jersey Statutes.

As used in this section "hospital purposes" includes health care facilities for the elderly, such as nursing homes; residential health care facilities; assisted living residences; facilities with a Class C license pursuant to P.L.1979, c.496 (C.55:13B-1 et al.), the "Rooming and Boarding House Act of 1979"; similar facilities that provide medical, nursing or personal care services to their residents; and that portion of the central administrative or service facility of a continuing care retirement community that is reasonably allocable as a health care facility for the elderly.

2. This act shall take effect immediately, and shall be applicable to assessments and taxes for the tax year beginning January 1, that occurs not fewer than 180 days following enactment.

Approved July 1, 1993.

CHAPTER 167

AN ACT establishing the New Jersey Summer Challenge Program and making an appropriation.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. The Legislature finds and declares that: in order to succeed in our increasingly complex modern economy, individuals will require comprehensive educational training; many of our young people, especially in the poorer urban areas, do not remain in school for a long enough time to attain the skills necessary to secure their future well-being; the lack of education and training is compounded by a serious shortage of employment opportunities in the urban areas; a summer program which offers both education and employment will serve as an incentive to those young people who have been so discouraged that they have left school or are at risk of leaving school before reaching the level of competence necessary to function in our society; and, such a program

will also offer a challenge to the private sector in New Jersey to match the State's commitment by providing additional opportunities for summer employment.

2. There is established in the Department of Labor the New Jersey Summer Challenge program. The program shall be an eight-week program, and shall begin on July 5, 1993. The purpose of the program shall be to provide an educational program and an employment opportunity to individuals between the ages of 14 and 18 who are residents of a school district classified as an urban school district by the Department of Education and who are no longer enrolled in school or who are identified by the local school district as at risk of leaving school.

Participants in the program shall be required to attend a summer school program approved by the Department of Education or a community-based job training program approved by the Department of Labor for one-half of the day and shall be given a suitable employment opportunity by the sponsoring agency for the other half of the day. Individuals shall receive the State's minimum hourly wage for participation in the program.

3. a. Any urban school district which has a summer school program and any community-based job training program approved by the Department of Labor may apply to participate in the New Jersey Summer Challenge project. Interested agencies shall submit a proposal to the Commissioner of Labor. The proposal shall detail, at a minimum: the nature of the educational program or job training program; the type of employment to be offered; the number of places available in the school district or job training program; and the means that will be used to determine an applicant's eligibility for the program. Relatives of officers or employees of a sponsoring agency shall be precluded from participation in the program. For the purposes of this section, "relative" shall mean a spouse, natural or adopted child, sibling or natural or adopted child of a sibling.

b. The Commissioner of Labor, in consultation with the Commissioner of Education, shall review the proposals and designate those school districts and community-based job training programs selected to participate and the number of places available in each. Upon approval, individuals who wish to participate shall apply directly to the local school district or community-based job training program for admission. Acceptance into the program shall be made on the basis of the order in which the applications are received.

c. Funds available in connection with the summer program shall not be used for activities which:

(1) induce, encourage or assist: any displacement of currently employed workers by students, including partial displacement by means such as reduced hours of currently employed workers; any replacement of laid off workers by students; or any relocation of operations resulting in a loss of employment at a previous workplace;

(2) replace, supplant, compete with or duplicate in any way existing approved apprenticeship programs; or

(3) impair existing contracts for services or collective bargaining agreements, except that activities which would be inconsistent with the terms of a collective bargaining agreement may be undertaken with the written concurrence of the collective bargaining unit and employer who are parties to the agreement.

4. There is appropriated from the General Fund to the Department of Labor $2,500,000 to effectuate the purposes of this act. Of this amount, the department may use a maximum of $25,000 for administrative costs of the program.

5. This act shall take effect immediately.

Approved July 1, 1993.

CHAPTER 168

AN ACT providing for the issuance of certain license plates for the purpose of supporting certain environmental protection projects for the coastal area of this State and supplementing chapter 3 of Title 39 of the Revised Statutes.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

C.39:3-27.47 Definitions.

1. As used in this act:

"Commissioner" means the Commissioner of Environmental Protection and Energy;

"Department" means the Department of Environmental Protection and Energy;

"Director" means the Director of the Division of Motor Vehicles in the Department of Law and Public Safety;

"Division" means the Division of Motor Vehicles in the Department of Law and Public Safety;

"Fund" means the "Coastal Protection Trust Fund" created pursuant to section 4 of this act.

C.39:3-27.48 Issuance of coastal protection license plates.

2. The Director of the Division of Motor Vehicles shall, upon proper application therefor, issue coastal protection license plates for any motor vehicle owned or leased and registered in the State. In addition to the registration number and other markings or identification otherwise prescribed by law, a coastal protection license plate shall display words or a slogan and an emblem indicating support for, or an interest in, the protection of the coastal resources of this State. The words or slogan and emblem shall be chosen by the director; however, the director shall solicit, in conjunction with the Legislature, input from the general public on the design of the plate and shall review the submissions prior to choosing the design. Issuance of coastal protection license plates in accordance with this section shall be subject to the limitations of section 3 of P.L.1959, c.56 (C.39:3-33.5) and other applicable requirements of chapter 3 of Title 39 of the Revised Statutes, except as hereinafter otherwise specifically provided.

C.39:3-27.49 Application, fee.

3. a. Application for issuance of a coastal protection license plate shall be made to the division on forms and in a manner as may be prescribed by the director. In order to be deemed complete, an application shall be accompanied by a fee of $50, which fee shall be in addition to the fee for the renewal of the registration certificate, payable to the division.

b. The annual fee for the registration certificate of a motor vehicle that has been issued a coastal protection license plate pursuant to the provisions of this act shall include in each year subsequent to the year of issuance a coastal protection license plate fee in the amount of $10, which fee shall be in addition to the fee for the renewal of the registration certificate, collected by the division and deposited into the Coastal Protection Trust Fund created pursuant to section 4 of this act.

C.39:3-27.50 "Coastal Protection Trust Fund"; special emergency account created.

4. a. There is created in the Department of the Treasury a special non-lapsing fund to be known as the "Coastal Protection Trust

Fund." There shall be deposited in the fund the amount collected from all license plate fees collected pursuant to section 3 of this act, less the amounts necessary to reimburse the division for administrative costs pursuant to section 5 of this act. Except as otherwise provided in subsection b. of this section, moneys deposited in the fund shall be dedicated to the purposes set forth in section 6 of this act. Moneys deposited in the fund shall be held in interest-bearing accounts in public depositories as defined pursuant to section 1 of P.L.1970, c.236 (C.17:9-41), and may be invested or reinvested in such securities as are approved by the State Treasurer. Interest or other income earned on moneys deposited into the fund, and any moneys which may be appropriated or otherwise become available for the purposes of the fund, shall be credited to and deposited in the fund for use as set forth in this act.

b. There is created within the "Coastal Protection Trust Fund" a special emergency reserve account, to which shall annually be credited the amount of license plate fees collected in excess of $1,000,000 during the year. The commissioner may, pursuant to specific appropriations made by law, use moneys deposited in the special emergency reserve account to:

(1) finance shore protection projects of an emergency nature in the event of storm, stress of weather or similar act of God; and

(2) provide for the cleanup of discharges of pollutants or contaminants discharged into the ocean waters of this State.

C.39:3-27.51 Reimbursement to division prior to deposit of license plate fees.

5. a. Prior to the deposit of license plate fees collected pursuant to section 3 of this act into the fund, amounts thereof as are necessary shall be used to reimburse the division for all costs reasonably and actually incurred, as stipulated by the director, for:

(1) producing, issuing, renewing, and publicizing the availability of coastal protection license plates; and

(2) any initial fees, in an amount not to exceed $150,000, collected from the issuance of coastal protection license plates to be allocated to the division to pay the cost of any computer programming changes that may be necessary to implement the coastal protection license plate program established by this act.

b. The director shall annually certify to the commissioner the average cost per license plate incurred in the immediately preceding year by the division in producing, issuing, renewing, and publicizing the availability of coastal protection license plates. The annual certification of the average cost per license plate shall be approved by the Joint Budget Oversight Committee, or its successor.

c. In the event that the average cost per license plate as certified by the director and approved by the Joint Budget Oversight Committee, or its successor, is greater than the $50 application fee established in subsection a. of section 3 of this act in two consecutive fiscal years, the director may discontinue the issuance of coastal protection license plates.

C.39:3-27.52 Recommendation for appropriation; distribution.

6. a. The Governor shall include in the annual budget recommendations to the Legislature pursuant to section 11 of article 3 of P.L.1944, c.112 (C.52:27B-20), a recommendation for an appropriation from the fund for the purposes set forth in this section. The Legislature shall annually appropriate to the department from the first $1,000,000 in license plate fees collected pursuant to section 3 of this act and deposited in the fund:

(1) An amount not to exceed $600,000 for the cost of any program of the department, or conducted in cooperation with the Department of Corrections that utilizes prisoners to clean up or maintain beaches or shores;

(2) An amount not to exceed $200,000 for the cost of providing aircraft overflights for monitoring, surveillance and enforcement activities of the Cooperative Coastal Monitoring Program established by the department;

(3) An amount not to exceed $150,000 for establishment of a program of grants for the construction of sewage pump-out devices for marine sanitation devices and portable toilet emptying receptacles at public or private marinas or boatyards in furtherance of the provisions of P.L.1988, c.117 (C.58:10A-56 et seq.); and

(4) An amount not to exceed $50,000 to implement the provisions of the "New Jersey Adopt a Beach Act," P.L.1992, c.213 (C.13:19-22 et seq.).

b. If an amount less than $1,000,000 is collected from license plate fees pursuant to section 3 of this act in any given year, the amounts provided in paragraph (1) through paragraph (4), inclusive, of this subsection shall be reduced proportionately, and no amounts shall be credited to the special emergency reserve account created pursuant to subsection b. of section 4 of this act.

C.39:3-27.53 Notification to eligible motorists.

7. The director shall notify eligible motorists of the opportunity to obtain coastal protection license plates by including a

notice with all motor vehicle registration renewals, and by posting appropriate posters or signs in all division facilities and offices, as may be provided by the department. The notices, posters, and signs shall be designed by the commissioner. The designs shall be subject to the approval of the director, and the commissioner shall supply the division with the notices, posters, and signs to be circulated or posted by that division.

C.39:3-27.54 Interagency memorandum of agreement.

8. The commissioner, the director, and the State Treasurer shall develop and enter into an interagency memorandum of agreement setting forth the procedures to be followed by the department and the division in carrying out their respective responsibilities under this act.

9. This act shall take effect on the 180th day after enactment, but the Commissioner of Environmental Protection and Energy, the State Treasurer and the Director of the Division of Motor Vehicles may take such anticipatory acts in advance of that date as may be necessary for the timely implementation of this act upon the effective date thereof.

Approved July 2, 1993.

CHAPTER 169

AN ACT appropriating $9,034,000 from the "Jobs, Education and Competitiveness Bond Act of 1988," P.L.1988, c.78, for the construction, reconstruction, development, extension, improvement and equipment of classrooms, academic buildings, libraries, computer facilities and other higher education buildings at New Jersey's public and private institutions of higher education and amending P.L.1991, c.343.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. There is appropriated to the Department of Higher Education from the "Jobs, Education and Competitiveness Fund" created pursuant to section 14 of the "Jobs, Education and Com-

petitiveness Bond Act of 1988," P.L.1988, c.78, the sum of $9,034,000 for the purpose of constructing, reconstructing, developing, extending, improving and equipping classrooms, academic buildings, libraries, computer facilities and other higher education buildings. The sum shall be allocated to the following institutions of higher education which shall provide funds to projects which have been approved by the State Board of Higher Education as provided below:

PROJECT	INSTITUTION FUNDS	P.L.1988, c.78 BOND FUNDS
CONSTRUCTION OF HIGHER EDUCATION BUILDINGS AT COUNTY COMMUNITY COLLEGES		
Construction of High Tech Learning Center at Essex County College	$783,500	$1,567,000
Construction of Engineering, Technology and Allied Health Building at Gloucester County College	$400,000	$800,000
Construction of Academic Center at County College of Morris	$633,500	$1,267,000
Acquisition of Former Campus of Don Bosco College by Sussex County Community College	$1,000,000	$2,000,000
Construction of Classroom/Laboratory Facility at Union County College	$450,000	$900,000
Construction of the Campus Building at Warren County College	$1,000,000	$2,000,000
CONSTRUCTION OF HIGHER EDUCATION BUILDINGS AT INDEPENDENT INSTITUTIONS		
Renovation of Academic Services Building: Old Convent Building at Felician College	$1,815,000	$500,000

2. The expenditures of the sums appropriated by this act are subject to the provisions and conditions of P.L.1988, c.78.

3. The New Jersey Department of Higher Education shall apply to the Director of the Division of Budget and Accounting in the Department of the Treasury for permission to transfer funds among items of appropriation within section 1 of this act, provided that pursuant to section 5 of P.L.1988, c.78, any appropriation for Board of Higher Education Statewide and regional projects shall not be transferred to projects of construction of higher education buildings at private institutions of higher education. Upon the approval of an application by the director and the Joint Budget Oversight Committee, or its successor, in writing, the director shall make the transfer as provided by law.

4. In addition to any other reporting requirements imposed pursuant to the "Jobs, Education and Competitiveness Bond Act of 1988," P.L.1988, c.78, the State Treasurer shall, through the Administrator of the General Services Administration in the Department of the Treasury, prepare and submit to the Joint Budget Oversight Committee, or its successor, periodic progress reports, based upon project site inspections and other inquiries, describing the status of projects at public and private institutions of higher education financed in whole or in part with moneys appropriated in this act. Each progress report shall indicate the total project cost, the funding sources allocated to the project, the status of construction or development of the project, an estimated project completion date and whether there are any potential scheduling or financial difficulties or circumstances warranting special attention or review by the Joint Budget Oversight Committee. The first report shall be submitted not later than March 1, 1994 and each subsequent report shall be submitted at nine month intervals thereafter. The final report pursuant to this section shall be submitted within 30 days following the completion of all projects financed with moneys appropriated in this act, notwithstanding that the report is submitted less than nine months after the submission of the immediately preceding report.

5. The title of P.L.1991, c.343 is amended to read as follows:

An act appropriating $101,032,000 from the "Jobs, Education and Competitiveness Bond Act of 1988," P.L.1988, c.78, for the construction, reconstruction, development, extension, improvement and equipment of classrooms, academic buildings, libraries, computer facilities and other higher education buildings at New Jersey's public and private institutions of higher education.

6. Section 1 of P.L.1991, c.343 is amended to read as follows:

1. There is appropriated to the Department of Higher Education from the "Jobs, Education and Competitiveness Fund" created pursuant to section 14 of the "Jobs, Education and Competitiveness Bond Act of 1988," P.L.1988, c.78, the sum of $101,032,000 for the purpose of constructing, reconstructing, developing, extending, improving and equipping classrooms, academic buildings, libraries, computer facilities and other higher education buildings. The sum shall be allocated to the following institutions of higher education which shall provide funds to projects which have been approved by the State Board of Higher Education as provided below:

PROJECT	INSTITUTION FUNDS	P.L.1988, c.78 BOND FUNDS
CONSTRUCTION OF HIGHER EDUCATION BUILDINGS AT RUTGERS, THE STATE UNIVERSITY		
Addition to Dana Library at the Newark Campus of Rutgers, The State University	$1,355,000	$6,025,000
CONSTRUCTION OF HIGHER EDUCATION BUILDINGS AT UNIVERSITY OF MEDICINE AND DENTISTRY OF NEW JERSEY		
Renovation of New Jersey Medical School at the Newark Campus of the University of Medicine and Dentistry of New Jersey	$0	$1,250,000
Renovation of the Martland Street Administration Building at the Newark Campus of University of Medicine and Dentistry of New Jersey	$0	$12,750,000

CONSTRUCTION OF HIGHER EDUCATION BUILDINGS AT THE NEW JERSEY STATE COLLEGES

Construction of addition to Bozorth Hall at Glassboro State College	$550,000	$1,100,000
Construction of New Library at Glassboro State College	$7,600,000	$9,200,000
Construction of Academic Building at Jersey City State College	$2,801,000	$7,800,000
Construction of Campus Police and Receiving Building at Montclair State College	$508,000	$325,000
Construction of Campus Access Road at Montclair State College	$788,000	$1,420,000
Expansion of Fine and Performing Arts Building at Montclair State College	$1,597,000	$1,827,000
Expansion of Sprague Library at Montclair State College	$2,908,000	$5,658,000
Construction of School of Humanities and Social Science Building at Montclair State College	$10,429,000	$3,770,000
Construction of Academic Building and Academic and Administrative Computer Centers at William Paterson State College	$5,500,000	$1,300,000
Addition and renovation of Library at William Paterson State College	$0	$9,300,000
Construction of Arts and Environmental Science Building at Stockton State College	$3,300,000	$5,300,000
Addition to Library at Stockton State College	$2,300,000	$4,700,000
Addition to Library at Kean College	$1,712,000	$3,423,000

CONSTRUCTION OF HIGHER EDUCATION BUILDINGS AT COUNTY COMMUNITY COLLEGES		
Construction of Integrated Learning Resource Center at Burlington County College	$4,000,000	$2,000,000
Construction of Fine Arts Building at Cumberland County College	$2,733,000	$1,367,000
Construction of Academic Building at Hudson County Community College	$3,533,000	$1,767,000
Construction of Addition to Learning Resource Center and Campus Services Building at Ocean County College	$3,699,000	$1,800,000
CONSTRUCTION OF BOARD OF HIGHER EDUCATION STATE-WIDE HIGHER EDUCATION BUILDINGS		
Joint Construction of Technology Education Center by Burlington County College and the New Jersey Institute of Technology	$0	$8,000,000
Northern Central Computer Integrated Manufacturing Facility at New Jersey Institute of Technology	$0	$2,000,000
Construction, renovation, and facility improvements of field stations of the Agricultural Experiment Station, Rutgers, The State University	$0	$3,000,000
CONSTRUCTION OF HIGHER EDUCATION BUILDINGS AT INDEPENDENT INSTITUTIONS		
Construction of Library at Georgian Court College	$6,300,000	$1,000,000

Renovation of Henderson Hall at the College of Saint Elizabeth	$1,642,000	$750,000
Construction of Library at Seton Hall University	$17,000,000	$3,000,000
Renovation of Mead Hall at Drew University	$1,200,000	$1,200,000

7. This act shall take effect immediately.

Approved July 7, 1993.

CHAPTER 170

AN ACT providing a credit against corporation business tax liability and allowed in certain cases as a property tax offset for investment in certain new or expanded business facilities that create new jobs in this State, supplementing P.L.1945, c.162 (C.54:10A-1 et seq.).

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

C.54:10A-5.4 Short title.

1. This act shall be known and may be cited as the "New Jobs Investment Tax Credit Act."

C.54:10A-5.5 Definitions.

2. As used in this act:

"Business relocation or expansion" means capital investment in a new or expanded business facility in this State.

"Business facility" means any factory, mill, plant, refinery, warehouse, building, complex of buildings or structural components of buildings, and all machinery, equipment and personal property located within this State, used in connection with the operation of the business of a corporation that is subject to the tax imposed pursuant to section 5 of P.L.1945, c.162 (C.54:10A-5), and all facility preparation and start-up costs of the taxpayer for the business facility which it capitalizes for federal income tax purposes.

"Compensation" means wages, salaries, commissions or any other form of remuneration paid to employees for personal services."Controlled group" means one or more chains of corporations connected through stock ownership with a common parent corporation if stock possessing at least 50% of the voting power of all classes of stock of each of the corporations is owned directly or indirectly by one or more of the corporations; and the common parent owns directly stock possessing at least 50% of the voting power of all classes of stock of at least one of the other corporations.

"Director" means the Director of the Division of Taxation in the Department of the Treasury.

"Expanded business facility" means any business facility, other than a new business facility, resulting from acquisition, construction, reconstruction, installation or erection of improvements or additions to existing property if such improvements or additions are purchased on or after the operative date of this act, but only to the extent of a taxpayer's qualified investment in such improvements or additions.

"New business facility" means a business facility which:

a. is employed by a taxpayer in the conduct of a business which is or will be taxable under P.L.1945, c.162 (C.54:10A-1 et seq.). Such facility shall not be considered a new business facility in the hands of a taxpayer if the taxpayer's only activity with respect to such facility is to lease it to another person;

b. is purchased by a taxpayer and is placed in service or use on or after the operative date of this act;

c. was not purchased by a taxpayer from a related person. The director may waive this requirement if the facility was acquired from a related person for its fair market value and the acquisition was not tax motivated;

d. was not in service or use during the 90 day period immediately prior to transfer of the title to the facility, provided that this restriction for the 90 day period may be waived by the director if the director determines that individuals employed at the facility may be considered as "new employees" as defined in this section.

"New employee" means an individual residing and domiciled in this State, hired by a taxpayer to fill a position or a job in this State which previously did not exist in the taxpayer's business enterprise in this State prior to the date on which the taxpayer's qualified investment is placed in service or use in this State provided that:

a. the individual's duties in connection with the operation of the business facility are on a regular, full-time and permanent basis or regular part-time and permanent basis;

b. the individual is not a related individual as defined in subsection (i) of section 51 of the federal Internal Revenue Code of 1986, 26 U.S.C. §51, or does not own 10% or more of the business with such ownership interest to be determined under the rules set forth in section 267 of the federal Internal Revenue Code of 1986, 26 U.S.C. §267;

c. the individual is not an individual who worked for the taxpayer during the six month period ending on the date the taxpayer's qualified investment is placed in service or use and is rehired by the taxpayer during the six month period beginning on the date the taxpayer's qualified investment is placed in service or use in this State; and

d. the individual is not an employee for whom the taxpayer is allowed a credit pursuant to section 19 of P.L.1983, c.303 (C.52:27H-78) or section 12 of P.L.1985, c.227 (C.55:19-13).

As used in this definition: "full-time" means employment for at least 140 hours per month at a wage not less than the State or federal minimum wage, if either minimum wage provision is applicable to the business and "permanent basis" does not include employment that is temporary or seasonal and therefore the compensation paid to temporary or seasonal employees will not be considered for purposes of sections 4 and 6 of this act; and "part-time" means customarily performing such duties at least 20 hours per week for at least six months during the tax year. In no event shall the number of new employees directly attributable to the qualified investment for the purpose of the credit allowed pursuant to this act exceed the total increase in the taxpayer's average employment in this State for the tax year over the average employment in this State for the previous tax year and in no event shall the number of new employees directly attributable to the qualified investment for the purpose of the credit allowed pursuant to this act exceed one half of the average employment in this State for the tax year; and provided, that the director may require that the net increase in the taxpayer's employment in this State be determined and certified for the taxpayer's controlled group.

Provided further, however, that individuals filling jobs saved as a direct result of the taxpayer's qualified investment in property purchased for business relocation or expansion on or after the operative date of this act may be treated as new employees filling new jobs if the taxpayer certifies the material facts to the director and the director expressly finds that: but for the new employer purchasing the assets of a business in bankruptcy under chapter 7 or 11 of the

United States Bankruptcy Code and such new employer making qualified investment in property purchased for business relocation or expansion, the assets would have been sold by the United States bankruptcy court in a liquidation sale and the jobs so saved would have been lost; or but for the taxpayer's qualified investment in property purchased for business relocation or expansion in this State, the business facility in this State would have closed and the employees located at the facility would have lost their jobs; provided that the director shall not make this certification unless the director finds that the business is insolvent as defined in paragraph (32) of 11 U.S.C. §101 or that the business facility was destroyed in whole or in significant part by fire, flood or act of God.

"New job" means a job which did not exist in the business of the taxpayer in this State prior to the taxpayer's qualified investment being made, and which is filled by a new employee.

"Partnership" means a syndicate, group, pool, joint venture or other unincorporated organization through or by means of which any business, financial operation or venture is carried on, and which is not a trust or estate, a corporation or a sole proprietorship. The term "partner" includes a member in such a syndicate, group, pool, joint venture or organization.

"Property purchased for business relocation or expansion" means improvements to real property and tangible personal property, but only if that improvement or personal property was constructed or purchased and placed in service or use by the taxpayer, for use as a component part of a new or expanded business facility located in this State.

a. Property purchased for business relocation or expansion shall include only:

(1) improvements to real property placed in service or use on or after the operative date of this act by the taxpayer;

(2) tangible personal property placed in service or use by the taxpayer on or after the operative date of this act, with respect to which depreciation, or amortization in lieu of depreciation, is allowable in determining the corporation business tax liability of the taxpayer under P.L.1945, c.162, and which has a remaining recovery period of three or more years at the time the property is placed in service or use in this State; or

(3) tangible personal property owned and used by the taxpayer at a business location outside this State which is moved into this State on or after the operative date of this act, for use as a component part of a new or expanded business facility located in this

State; provided that the property is depreciable or amortizable personal property for income tax purposes, and has a remaining recovery period of three or more years at the time the property is placed in service or use in this State.

b. Property purchased for business relocation or expansion shall not include:

(1) Repair costs, including materials used in the repair, unless for federal income tax purposes, the cost of the repair must be capitalized and not expensed;

(2) Airplanes;

(3) Property which is primarily used outside this State with that use being determined based upon the amount of time the property is actually used both within and without this State;

(4) Property which is acquired incident to the purchase of the stock or assets of the seller unless for good cause shown, the director consents to waiving this disqualification; or

(5) Property purchased on or after the operative date of this act, unless pursuant to a written contract to purchase executed prior to the operative date of this act, the cost or consideration for which cannot be quantified with any reasonable degree of accuracy at the time such property is placed in service or use; provided that if the contract of purchase specifies a minimum purchase price the amount thereof shall be used to determine the qualified investment in such property under section 5 of this act if the property otherwise qualifies as property purchased for business relocation or expansion.

c. Property shall be deemed to have been purchased prior to a specified date only if:

(1) the physical construction, reconstruction or erection of the property was begun prior to the specified date, or such property was constructed, reconstructed, erected or acquired pursuant to a written contract as existing and binding on the purchase prior to the specified date; or

(2) the machinery or equipment was owned by the taxpayer prior to the specified date, or was acquired by the taxpayer pursuant to a binding purchase contract which was in effect prior to the specified date.

"Purchase" means any acquisition of property, including an acquisition pursuant to a lease, but only if:

a. the property is not acquired from a person whose relationship to the person acquiring it would result in the disallowance of deductions under section 267 or subsection (b) of section 707 of the federal Internal Revenue Code of 1986, 26 U.S.C. §267 or §707;

b. the property is not acquired by one member of a controlled group from another member of the same controlled group. The director may waive this requirement if the property was acquired from a related party for its then fair market value; and

c. the basis of the property for federal income tax purposes, in the hands of the person acquiring it, is not determined:

(1) in whole or in part by reference to the federal adjusted basis of such property in the hands of the person from whom it was acquired; or

(2) under subsection (e) of section 1014 of the federal Internal Revenue Code of 1986, 26 U.S.C. §1014.

"Related person" means:

a. a corporation, partnership, association or trust controlled by the taxpayer;

b. an individual, corporation, partnership, association or trust that is in control of the taxpayer;

c. a corporation, partnership, association or trust controlled by an individual, corporation, partnership, association or trust that is in control of the taxpayer; or

d. a member of the same controlled group as the taxpayer.

As used in the definition of related person and as is applicable to the definitions of purchase and small business taxpayer, "control," with respect to a corporation, means ownership, directly or indirectly, of stock possessing 50% or more of the total combined voting power of all classes of the stock of the corporation entitled to vote; "control," with respect to a trust, means ownership, directly or indirectly, of 50% or more of the beneficial interest in the principal or income of the trust. The ownership of stock in a corporation, of a capital or profits interest in a partnership or association or of a beneficial interest in a trust shall be determined in accordance with the rules for constructive ownership of stock provided in subsection (c) of section 267 of the federal Internal Revenue Code of 1986, 26 U.S.C. §267, other than paragraph (3) of subsection (c) of that section.

"Small business taxpayer" means a taxpayer that has an annual payroll, as calculated pursuant to section 6 of P.L.1945, c.162 (C.54:10A-6), of $2,000,000 or less and annual gross receipts, as calculated pursuant to section 6 of P.L.1945, c.162 (C.54:10A-6), of not more than $6,000,000 for the tax year in which property purchased for business relocation or expansion is placed in service or use by the taxpayer; provided that beginning with tax years commencing on and after January 1 next following the operative date of this act the director shall prescribe the amount of annual payroll and annual gross receipts which shall apply by increasing each such amount hereinabove by an annual inflation adjustment factor, which prescribed amount shall be rounded to the next lowest multiple of $50. "Annual inflation adjustment factor" means the factor calculated by dividing the consumer price index for urban wage earners and clerical workers for the nation, as prepared by the United States Department of Labor for September of the calendar year prior to the calendar year in which the tax year begins, by that index for September of the calendar year two years prior to the calendar year in which the tax year begins. The annual payroll of a taxpayer shall include the employees of its domestic and foreign affiliates, whether employed on a full-time, part-time, temporary, or other basis, during the preceding 12 months. If a taxpayer has not been in existence for 12 months, the payroll of the taxpayer shall be divided by the number of weeks, including fractions of a week, that it has been in business, and the result multiplied by 52. That amount shall then be added to the 12 month payrolls of its domestic and foreign affiliates to determine the annual payroll of the taxpayer for purposes of this definition. The annual gross receipts of a taxpayer shall include the annual gross receipts of its foreign and domestic affiliates. The annual gross receipts of a taxpayer which has been in business for three or more complete tax years means the average of the annual gross receipts of the business for the last three tax years. For purposes of this definition, the gross receipts of the taxpayer includes receipts from sales of tangible personal property and services, interests, rents, royalties, fees, commissions and receipts from any other source, but less returns and allowances, sales of fixed assets, interaffiliated transactions between a business and its domestic and foreign affiliates, and taxes collected for remittance to a third party, as shown on its books for federal income tax purposes. The annual receipts of a taxpayer that has been in business for less than three complete tax years means its total receipts for the period it has been in business, divided by the number of weeks including fractions of a week that it has been in business, and multiplied by 52. "Affiliates" includes all concerns that are affiliates of each other when either directly or indirectly one concern controls the other or a third party or parties controls both. In determining whether concerns are independently owned and operated and whether or not affiliation exists, the director shall consider all appropriate factors, including common ownership, common management and contractual relationships. "Concern" means any business entity organized for profit (even if its ownership is in the hands of a nonprofit entity), having a place of business located in this State, and which makes a contribution to the economy of this State through payment of taxes, or the sale or use in this State of tangible personal property, or the procurement or providing of services in this State, or the hiring of employees who work in this State. "Concern" includes but is not limited to any person as defined in R.S.1:1-2.

"Tax year" means the fiscal or calendar accounting year of a taxpayer.

C.54:10A-5.6 Determination of taxpayer credit allowed.

3. a. A taxpayer shall be allowed a credit against the portion of the tax imposed in section 5 of P.L.1945, c.162 (C.54:10A-5), that is attributable to and the direct consequence of the taxpayer's qualified investment in a new or expanded business facility in this State which results in the creation of at least five new jobs in the case of a small business taxpayer or at least 50 new jobs in the case of any other taxpayer, provided that the median compensation of all new jobs included in the taxpayer's determination of the new jobs factor shall not be less than $27,000 per year, provided that beginning with tax years commencing on and after January 1 next following the operative date of this act the director shall adjust the median annual compensation which shall apply as provided in subsection e. of this section. The amount of this credit shall be determined and applied as hereinafter provided.

b. The amount of the credit allowed shall be determined by multiplying the amount of the taxpayer's "qualified investment," determined under section 5 of this act, in "property purchased for business relocation or expansion" by the taxpayer's new jobs factor determined under section 6 of this act. The product of this calculation shall establish the maximum amount of credit allowed under this act due to the qualified investment.

c. The amount of credit allowed shall be taken over a five year period, at the rate of one-fifth of the amount thereof per tax year, beginning with the tax year in which the taxpayer places the qualified investment in service or use in this State.

d. For purposes of the credit allowed by this section, property shall be considered placed in service or use in the earlier of the following tax years:

(1) The tax year in which, under the taxpayer's depreciation practice, the period for depreciation with respect to such property begins; or

(2) The taxable year in which the property is placed in a condition or state of readiness and availability for a specifically assigned function.

e. Beginning with tax years commencing on and after January 1 next following the operative date of this act the director shall prescribe the annual median compensation of all new jobs included in the taxpayer's determination of new jobs factor by increasing the amount of median compensation set forth in subsection a. of this section by an annual inflation adjustment factor, which prescribed amount shall be rounded to the next lowest multiple of $50. "Annual inflation adjustment factor" means the factor calculated by dividing the consumer price index for urban wage earners and clerical workers for the nation, as prepared by the United States Department of Labor for September of the calendar year prior to the calendar year in which the tax year begins, by that index for September of the calendar year two years prior to the calendar year in which the tax year begins.

C.54:10A-5.7 Determination of aggregate annual credit allowed.

4. a. The aggregate annual credit allowed for a tax year shall be an amount equal to the sum of:

(1) The one-fifth part allowed under section 3 for qualified investment placed into service or use during a prior tax year, plus

(2) The one-fifth part allowed under section 3 for qualified investment placed into service or use during the current tax year.

b. (1) The amount determined under subsection a. shall be allowed as a credit against that portion of the taxpayer's corporation business tax liability which is attributable to and the direct result of the taxpayer's qualified investment. The amount determined under subsection a. and allowed as a credit against the tax imposed pursuant to section 5 of P.L.1945, c.162, for a tax year shall not reduce that tax liability by more than 50% of that portion of the taxpayer's tax liability otherwise due for the tax year which is attributable to and the direct result of the taxpayer's qualified investment and shall not reduce the tax liability for the tax year to an amount less than the statutory minimum provided in subsection (e) of section 5 of P.L.1945, c.162.

(2) If any amount of credit determined under subsection a. remains after the amount allowed as a credit under the limitations of paragraph (1) of this subsection, that amount of credit remaining shall be refunded to the taxpayer. The amount refunded to the taxpayer shall not exceed 50% of the sum of the amount of property taxes timely paid in the taxable year pursuant to R.S.54:4-1 et seq. and the amount of implicit property taxes paid through rent or lease payments in respect of property taxable pursuant to R.S.54:4-1 et seq., and for which taxes another party

that is not a related person is liable, which is attributable to and the direct result of the taxpayer's qualified investment.

c. (1) If the taxes due under section 5 of P.L.1945, c.162 (determined before application of allowable credits against the tax), the sum of the amount of property taxes timely paid in the taxable year pursuant to R.S.54:4-1 et seq. and the amount of implicit property taxes paid through rent or lease payments in respect of property taxable pursuant to R.S.54:4-1 et seq., and for which taxes another party that is not a related person is liable, are not solely attributable to and the direct result of the taxpayer's qualified investment, the amount of those taxes which are so attributable shall be determined by multiplying the amount of taxes due under those acts for the tax year (determined before application of allowable credits against tax) by a fraction, the numerator of which is all compensation paid during the tax year to all employees of the taxpayer employed in this State whose positions are directly attributable to the qualified investment. The denominator of the fraction is the compensation paid during the taxable year to all employees of the taxpayer employed in this State.

(2) Any credits allowable under section 42 of P.L.1987, c.102 (C.54:10A-5.3), section 19 of P.L.1983, c.303 (C.52:27H-78), and section 12 of P.L.1985, c.227 (C.55:19-13), shall be applied against and reduce only the amount of corporation business tax not apportioned to the qualified investment under this act. Provided, that any excess of those credits may be applied against the amount of corporation business tax apportioned to the qualified investment under this act that is not offset by the amount of annual credit against the tax allowed under this act for the tax year, unless their application is otherwise prohibited by P.L.1987, c.102, P.L.1983, c.303, or P.L.1985, c.227.

(3) If any credit for the tax year pursuant to this section remains after application of the provisions of subsections a. and b. of this section, the amount thereof shall be forfeited. No carryover to a subsequent tax year or carryback to a prior tax year shall be allowed for the amount of any unused portion of any annual credit allowance.

d. For the purposes of this act, "implicit property taxes" means 15% of the amount of the rent or lease payments made by the taxpayer in respect of property taxable pursuant to R.S.54:4-1 et seq., and for which taxes another party that is not a related person is liable.

C.54:10A-5.8 Qualified investment in property purchased for business relocation, expansion.

5. a. The qualified investment in property purchased for business relocation or expansion shall be the applicable percentage of

the cost of each property purchased for business relocation or expansion which is placed in service or use in this State by the taxpayer during the tax year. Provided, that only the cost of property purchased for business relocation or expansion placed in service or use in this State during the tax year for which the average value of the taxpayer's real and tangible personal property within the State as shall be determined pursuant to subsection (A) of section 6 of P.L.1945, c.162 (C.54:10A-6), is greater than that average value for the previous tax year, shall be considered in determining qualified investment.

b. For the purpose of subsection a., the applicable percentage of any cost of property purchased for business relocation or expansion shall be determined under the following table:

If property has a:	The applicable percentage is:
three year recovery period	35%
five year recovery period	70%
seven year or more recovery period	100%

The recovery period of any property, for purposes of this section, shall be determined as of the date such property is first placed in service or use in this State by the taxpayer, determined in accordance with section 168 of the federal Internal Revenue Code of 1986, 26 U.S.C. §168.

c. For purposes of subsection a., the cost of each property purchased for business relocation or expansion shall be determined under the following restrictions:

(1) cost shall not include the value of property given in trade or exchange for the property purchased for business relocation or expansion;

(2) if property is damaged or destroyed by fire, flood, storm or other casualty, or is stolen, the cost of replacement property shall not include any insurance proceeds received in compensation for the loss;

(3) in the case of self-constructed property, the cost thereof shall be the amount properly charged to the capital account for depreciation in accordance with federal income tax law; and

(4) the cost of property used by the taxpayer out-of-State and then brought into this State shall be determined based on the remaining recovery period of the property at the time it is placed in service or use in this State, and the cost shall be the original cost of the property to the taxpayer less straight line depreciation

allowable for the tax years or portions thereof the taxpayer used the property outside this State.

(5) The cost of equipment acquired by written lease is the minimum amount required by the agreement, agreements, contract or contracts to be paid over the term of the lease, provided however, that the minimum amount shall not include any amount required to be paid, as determined by the director, after the expiration of the recovery period of the equipment.

d. No amount of cost for property the cost of which qualifies for the credit allowable under section 42 of P.L.1987, c.102 (C.54:10A-5.3), or for the credits allowed under the "Manufacturing Equipment and Employment Investment Tax Credit Act," P.L.1993, c.171 (C.54:10A-5.16 et al.), shall be allowed as qualified investment under this section.

C.54:10A-5.9 New jobs factor to determine amount of credit allowed.

6. a. The new jobs factor used to determine the amount of credit allowed under this act shall be based on the number of new jobs created in this State that are directly attributable to the qualified investment of the taxpayer.

b. (1) (a) For a taxpayer that is not a small business taxpayer, if 50 new jobs are created and filled during the tax year in which the qualified investment is placed in service or use in this State, the applicable new jobs factor shall be 0.005. For each 50 additional new jobs over the initial 50, up to 1000 total new jobs, the applicable new jobs factor of 0.005 shall be increased by adding thereto 0.005, up to a maximum new jobs factor of 0.10.

(b) During each of the remaining four years of the five year credit period, the taxpayer shall redetermine the new jobs factor for the tax year on the annual return based on the average number of new employees employed in new jobs during that tax year (determined on a monthly basis) created as the direct result of the taxpayer's qualified investment.

(2) (a) For a taxpayer that is a small business taxpayer, if five new jobs are created and filled during the tax year in which the qualified investment is placed in service or use in this State, the applicable new jobs factor shall be 0.005. For each five additional new jobs over the initial five, up to 100 total new jobs, the applicable new jobs factor of 0.005 shall be increased by adding thereto 0.005, up to a maximum new jobs factor of 0.10.

(b) During each of the remaining four years of the five year credit period, the taxpayer shall redetermine the new jobs factor for the tax year on the annual return based on the average number of new employees employed in new jobs during that tax year (determined on a monthly basis) created as the direct result of the taxpayer's qualified investment.

c. An employee's position shall be directly attributable to the qualified investment if:

(1) the employee's service is performed or the employee's base of operations is at the new or expanded business facility;

(2) the position did not exist prior to the construction, renovation, expansion or acquisition of the business facility and the making of the qualified investment; and

(3) but for the qualified investment, the position would not have existed.

d. With the annual corporation business tax return filed under P.L.1945, c.162, for each tax year during the five year credit period for a qualified investment, the taxpayer shall certify:

(1) the new jobs factor for that tax year for the qualified investment;

(2) the amount of the credit allowed for that year for the qualified investment;

(3) that the qualified investment property continued to be used in the business, or if any of it was disposed of during the year, the date of disposition, and that such property was not disposed of prior to expiration of its recovery period, as determined under section 5 of this act; and

(4) that the new jobs are directly attributable to the qualified investment, are filled by individuals who meet the definition of new employee, and the median annual compensation of all new employees is equal to or greater than the minimum median annual compensation required by section 3 of this act.

e. With the annual return for the corporation business tax imposed under P.L.1945, c.162, filed for the tax year in which the qualified investment is first placed in service or use in this State, the taxpayer shall estimate and certify the number of new jobs reasonably projected to be created by it in this State within the period prescribed in subsection g. of this section, that are, or will be directly attributable to the qualified investment of the taxpayer.

f. The hours of part-time employees shall be aggregated to determine the number of equivalent full-time employees for the purpose of determining the new jobs factor pursuant to subsection b. of this section but shall not be so aggregated for the purposes of subsection c. of this section.

g. With the annual return for the tax imposed under P.L.1945, c.162, filed for the third tax year in which the qualified investment is in service or use in this State, the taxpayer shall certify the actual number of new jobs created by it in this State, that are directly attributable to the qualified investment of the taxpayer.

(1) If the actual number of jobs created would result in a higher new jobs factor, the credit allowed under this act shall be redetermined and amended returns filed for the first and second tax years that the qualified investment was in service or use in this State.

(2) If the actual number of jobs created would result in a lower new jobs factor, the credit previously allowed under this act shall be redetermined and amended returns filed for the first and second tax years. Any additional taxes due under P.L.1945, c.162, shall be remitted with the amended returns filed with the director, together with any penalty and interest, for failure to pay any such tax when due as provided in the State Tax Uniform Procedure Law, R.S.54:48-1 et seq.

C.54:10A-5.10 Changes affecting tax credit.

7. a. If during any tax year, property with respect to which a tax credit has been allowed under this act:

(1) is disposed of prior to the end of its recovery period, as determined under section 5 of this act; or

(2) ceases to be used in a new or expanded business facility of the taxpayer in this State prior to the end of its recovery period, as determined under section 5 of this act, then the unused portion of the credit allowed for such property shall be forfeited for the tax year and all ensuing years. Additionally, except when the property is damaged or destroyed by fire, flood, storm or other casualty, or is stolen, the taxpayer shall redetermine the amount of credit allowed in all earlier years by reducing the applicable percentage of cost of such property allowed under section 5 of this act, to correspond with the percentage of cost allowable for the period of time that the property was actually used in this State in the new or expanded business facility of the taxpayer. The taxpayer shall then file a reconciliation statement with its annual corporation business tax return for the year in which the forfeiture occurs and pay any additional tax owed due to reduction of the amount of credit allowable for such earlier years, together with any penalty and interest for failure to pay any such tax as provided in the State Tax Uniform Procedure Law, R.S.54:48-1 et seq.

b. If during any tax year the taxpayer ceases operation of a new or expanded business facility in this State for which a credit was allowed under this act, before expiration of the recovery period of the property with respect to which a tax credit has been allowed under this act, then the unused portion of the allowed credit shall be forfeited for the tax year and all ensuing years. Additionally, except when the cessation is due to fire, flood, storm or other casualty, the taxpayer shall redetermine the amount of credit allowed in earlier years by reducing the applicable percentage of cost of such property allowed under section 5 of this act, to correspond with the percentage of cost allowable for the period of time that the property was actually used in this State in a new or expanded business facility of the taxpayer that is subject to tax under P.L.1945, c.162. The taxpayer shall then file a reconciliation statement with its annual corporation business tax return for the year in which the forfeiture occurs, and pay any additional taxes owed due to reduction of the amount of credit allowable for such earlier years, together with any penalty and interest for failure to pay any such tax as provided in the State Tax Uniform Procedure Law, R.S.54:48-1 et seq.

c. If during any tax year subsequent to the tax year in which the new jobs factor is redetermined as provided in section 6 of this act, the average number of employees of the taxpayer, for the then current tax year, employed in positions created because of and directly attributable to the qualified investment falls below the minimum number of new jobs created upon which the taxpayer's annual credit allowance is based, the taxpayer shall calculate what the taxpayer's annual credit allowance would have been had the taxpayer's new jobs factor been determined based upon the average number of employees, for the then current tax year, employed in positions created because of and directly attributable to the qualified investment. The difference between the result of this calculation and the taxpayer's annual credit allowance for the qualified investment as determined under section 3 of this act, shall be forfeited for the then current tax year, and for each succeeding tax year unless for a succeeding tax year the taxpayer's average employment in positions directly attributable to the qualified investment once again meets the level required to enable the taxpayer to utilize its full annual credit allowance for that tax year.

C.54:10A-5.11 Disposal of property; treatment under act.

8. a. (1) Property of a small business taxpayer shall not be treated as disposed of under section 7 of this act by reason of a mere change in the form of conducting the business as long as the property is retained in a business of a small business taxpayer in

this State, and the taxpayer retains a controlling interest in the successor business. In this event, the successor business shall be allowed to claim the amount of credit still available with respect to the new or expanded business facility or facilities transferred, and the small business taxpayer-transferor shall not be required to redetermine the amount of credit allowed in earlier tax years.

(2) Property of a taxpayer that is not a small business taxpayer shall not be treated as disposed of under section 7 of this act by reason of a mere change in the form of conducting the business as long as the property is retained in a business of a taxpayer in this State, and the taxpayer retains a controlling interest in the successor business. In this event, the successor business shall be allowed to claim the amount of credit still available with respect to the new or expanded business facility or facilities transferred, and the taxpayer-transferor shall not be required to redetermine the amount of credit allowed in earlier tax years.

b. (1) Property of a small business taxpayer shall be treated as disposed of under section 7 of this act by reason of a change in the form of conducting the business if the property is not retained in a business of a small business taxpayer in this State in which the small business taxpayer retains a controlling interest.

(2) Property of a small business taxpayer shall not be treated as disposed of under section 7 of this act by reason of any transfer or sale to a successor small business taxpayer which continues to operate the new or expanded business facility in this State. Upon transfer or sale, the successor shall acquire the amount of credit that remains available under this act for each subsequent tax year and the taxpayer-transferor shall not be required to redetermine the amount of credit allowed in earlier years.

(3) Property of a business that is not a small business taxpayer shall not be treated as disposed of under section 7 of this act by reason of any transfer or sale to a successor taxpayer which continues to operate the new or expanded business facility in this State. Upon transfer or sale, the successor shall acquire the amount of credit that remains available under this act for each subsequent tax year and the taxpayer-transferor shall not be required to redetermine the amount of credit allowed in earlier years.

(4) Property of a small business taxpayer shall be treated as disposed of under section 7 by reason of any transfer or sale to a successor that is not a small business taxpayer, whether or not the successor continues to operate the business in this State. Upon such transfer or sale, the successor shall not acquire any amount of credit

under this act and the taxpayer-transferor shall redetermine, as required by this act, the amount of credit allowed in earlier years.

C.54:10A-5.12 Maintenance of records.

9. a. A taxpayer that claims credit under this act shall maintain sufficient records to establish the following facts for each item of qualified property:

(1) its identity;

(2) its actual or reasonably determined cost;

(3) its straight-line depreciation life;

(4) the month and tax year in which it was placed in service;

(5) the amount of credit taken; and

(6) the date it was disposed of or otherwise ceased to be qualified property.

b. A taxpayer that does not keep records required for identification of investment credit property shall be treated as having disposed of, during the tax year, any investment credit property which the taxpayer cannot establish was still on hand in this State at the end of that year.

c. If a taxpayer cannot establish when investment credit property reported for purposes of claiming this credit during a tax year was placed in service, the taxpayer shall be treated as having placed it in service in the most recent prior year in which similar property was placed in service unless the taxpayer can establish that the property placed in service in the most recent year is still on hand. In that event, the taxpayer shall be treated as having placed the property in service in the next most recent year.

C.54:10A-5.13 Entitlement to credit established by taxpayer.

10. a. The burden of proof shall be on a taxpayer to establish by clear and convincing evidence that the taxpayer is entitled to the credit allowed pursuant to this act.

b. Notwithstanding any provision of this act to the contrary, no credit shall be allowed or applied under this act for any qualified investment property placed in service or use until the person asserting a claim for the allowance of credit under this act makes written application to the director for allowance of the credit as provided in this subsection and receives written acknowledgment of its receipt from the director. An application for credit is timely made if filed no later than the last day of the due date without extensions, for filing the tax return required under section 15 of P.L.1945, c.162 (C.54:10A-15), for the tax year in which the property to which the credit relates is placed in service or use and all information required by the director is provided as part of the application.

c. The failure to timely apply for the credit shall result in the forfeiture of 50% of the annual credit allowance otherwise allowable under this act. This penalty shall apply annually until such application is filed.

C.54:10A-5.14 Report to Governor, Legislature.

11. The Director of the Division of Taxation shall prepare and transmit to the Governor and the Legislature, on or before the second March 1 following the operative date of this section and annually thereafter, a report concerning the revenue cost and distributional impact of this act in such a manner as to facilitate an evaluation of its costs in State tax revenue forgone and its benefits in new job creation. To facilitate an understanding of the gross amount and percentage of credits claimed in relation to the size, number and income of corporations and the number of jobs created, the report shall include statistical analyses of the number and value of applications for credits, credits granted and anticipated to be granted, and the number of new jobs created and anticipated to be created. To facilitate an understanding of the distribution of the use of the credit, or any concentration of such use in a particular industry or by a particular taxpayer, and the creation of new jobs among corporations, the report shall include statistics of credit use and new jobs creation segregated by specific industry, displayed in a manner that facilitates an understanding of the relative distribution of credit claims and uses and the relative distribution of new jobs created. To facilitate an understanding of the distinction between the new jobs created as a result of the credit and the new jobs not resulting from the credit, the report shall include statistics concerning the mean cost in State tax revenue forgone of creating a new job in specific industries, the relative new job creation rates between corporations using the credit and those not using the credit, and increases in employment in the State and the region. The director shall include in the report such further observations and recommendations about the use or administration of the credit as the director deems appropriate.

C.54:10A-5.15 Provision of quarterly employment reports.

12. Notwithstanding the provisions of subsection (g) of R.S.43:21-11 to the contrary, the Commissioner of the Department of Labor shall provide the Director of the Division of Taxation such copies of the quarterly reports filed by taxpayers with the Department of Labor pursuant to subparagraph (A) of paragraph (2) of subsection (a) of R.S.43:21-14 as the director

may request to verify the qualifications of the taxpayers to the credits allowed under this act. The director shall not use the reports provided for any purpose other than the administration of the credits allowed under this act, and reports so provided shall be deemed files and records of the director pursuant to R.S.54:50-8.

13. The director shall promulgate rules and regulations pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), as may be necessary to effectuate the purpose of this act.

14. This act shall take effect immediately but sections 1 through 12 shall remain inoperative until the first day of the tax year next commencing after enactment and shall apply to property placed in service or use on or after that date.

Approved July 7, 1993.